

department for
culture, media
and sport

Export of Objects of Cultural Interest

2010/11



Museums
Libraries &
Archives

Export of Objects of Cultural Interest

2010/11

1 May 2010 – 30 April 2011

Presented to Parliament pursuant to Section 10 (1)(a) of the Export Control Act 2002

Cover image: Great silver wine cistern of Thomas Wentworth

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Export of Objects of Cultural Interest

2010/11

1 May 2010 – 30 April 2011

- I Report of the Secretary of State
- II Report of the Reviewing Committee
on the Export of Works of Art and
Objects of Cultural Interest

Annual report to Parliament

By the Secretary of State for Culture, Olympics, Media and Sport

The Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest

I am pleased to lay before Parliament the seventh report on the operation of the export controls on objects of cultural interest, as required by section 10(1) of the Export Control Act 2002. The report covers the period 1 May 2010 to 30 April 2011.

I am delighted to record that this is the 57th continuous year that the presiding Government has published the Annual Report of the Reviewing Committee and once again, I want to thank Lord Inglewood for his most able Chairmanship and all the members for their hard work in assessing the cases brought to them.

It is extremely important that the Committee should provide the opportunity to save for the nation as a whole the cultural objects of the highest quality that are referred to them as part of the export licensing process. I am happy to say once again that we should all be proud of the system which preserves a careful balance between the protection of our national heritage, the reasonable expectations of owners and preserving a thriving free art market.

I am pleased to note that half the objects, where I agreed to defer an export licence on the advice of the Committee, were subsequently saved for the nation and I am particularly pleased that these have found new homes all across the country.

The great silver wine cistern of Thomas Wentworth has been bought by Temple Newsam (Leeds Museums and Galleries) with a major contribution from NMHF, backed up by generous support from the Art Fund, The Monument Trust, The J Paul Getty Jnr Trust, Leeds Collections Fund and many generous individuals.

I am also delighted that the Ashmolean has been able to acquire the superb Imari Porcelain Garniture with assistance from the MLA/V&A Purchase Grant Fund, The Art Fund and others.

And it is fantastic news that Beckford's Tower should be further adorned with the William IV cabinet that Beckford himself designed, purchased by the Beckford Tower Trust and assisted by NHMF, the Art Fund, and other valuable individual donations.

Finally, the Cecil Higgins Art Gallery and its Trustees and the Bedford Museum are to be congratulated on raising the funds to save the zodiac settle by William Burges, again aided by the NHMF and the Art Fund.

These successes show what excellent results can be achieved by determined and collaborative fund raising.

However it is disappointing that seven objects ultimately left the country (including three objects that the Committee 'starred' as worthy of special effort to retain them) as no matching offers were made to retain them in the UK. The value of the items that leave the country has been increasing steadily and has now peaked at objects totalling nearly £66m, and those saved represent just five per cent of the value of the items considered during the year.

I am keen to explore ways to improve on this. We need to be certain that everyone dedicated to preserving our heritage is working together to find the means to save the objects that the Committee considers so carefully. I therefore encourage all those who value our cultural heritage to address this challenge. It behoves us all to redouble our efforts and I would welcome new and imaginative proposals from all parties concerned.

The Government is doing its part. As noted by the Committee, we have this year consulted on proposals to encourage lifetime giving, not too far removed from those so cogently proposed by Sir Nicholas Goodison in 2005.

We expect the new scheme to be implemented with effect from 2012/13. The scheme should complement the commendable Acceptance in Lieu Scheme which has, over the years, ensured that so many items of superb quality have been acquired by museums and galleries throughout the country.

The Chancellor of the Exchequer has also announced measures intended to strengthen legacy giving, and I hope the cultural sector will seize the opportunity this presents to enhance acquisitions. Over the longer term, our new match funding scheme to support the development of endowments should also help to unlock additional funding for acquisitions.

The Committee has helpfully drawn my attention to a number of specific matters.

I look forward to taking further the proposals to introduce a requirement for owners to compensate those bodies and institutions which have suffered loss and damage as a result of the owner's refusal to accept a matching offer. It is unacceptable for such owners to undertake repeatedly, at various stages of the process, to accept a matching offer and thus encourage all concerned to make strenuous efforts to raise the necessary funds, only for the owners to renege on their undertakings at the last minute. The concept of 'loss and damage' is a well-established legal precedent and so the consequences of refusing a matching offer will be clear at the outset. I look forward to discussing the introduction of this new procedure with all concerned in order to eradicate this unacceptable behaviour.


I am happy to consider the Committee's suggestion that the balance between private owners and the public interest in relation to the 'Ridley' rules should be reconsidered and intend to bring forward proposals to increase the period of time, currently five years, for which a 'Ridley' purchaser of an object under deferral gives an undertaking to retain the object within the country.

I echo the Committee in welcoming the hugely significant awards by NHMF, whose grants this year included just under £2m towards the University of Southampton's acquisition of the Broadlands Archive, which is among the most significant of British archives to remain in private hands, and £4.5m towards the British Library's acquisition of the 7th century St Cuthbert Gospel, one the world's most important books.

I know that there have been fruitful discussions with the Heritage Lottery Fund about strengthened collaboration with a view to enhancing public collections and I welcome the HLF's introduction of a new fast track application process for those needing to make an urgent acquisition. In such a challenging economic climate, it is imperative that public, private and lottery funding should be deployed in as complementary a manner as possible.

It is also very welcome news that The Art Fund has announced that it will increase its core funding for acquisitions and display of art by 50 per cent from £4.5m to £7m by 2014. I hope we will see a significant increase in Art Fund membership, to further boost those resources.

I must record our continuing debt to everyone involved at every stage of the process in trying to prevent the jewels of our heritage from leaving the country. My thanks to Lord Inglewood and the members of the Committee, to the independent advisers and experts without whose peerless knowledge we would flounder, and to the staff at the Arts Council – and formerly MLA – whose herculean efforts are rightly applauded by everyone who values our cultural heritage.



Jeremy Hunt

Secretary of State for Culture, Olympics, Media and Sport

Operation of the Control

The following figures cover the period of this report (1 May 2010 – 30 April 2011).

	1 May 2010 – 30 April 2011	1 May 2009 – 30 April 2010
(a) Number of applications for individual export licences ¹	11,134	10,437
(b) Number of above applications which were for manuscripts, documents or archives	1,679	1,501
(c) Number of items licensed after reference to expert advisers on the question of national importance	19,686	20,713
(d) Total value of items in (c)	£1,487,129,756	£1,183,937,807
(e) Number of Open Individual Export Licences in operation having been issued in December 2010 to regular exporters for the export of (i) manuscripts, documents, archives and photographic positives and negatives; (ii) objects imported into the UK in the past 50 years; (iii) UK origin coins; (iv) for the temporary export of a Rolls Royce; (v) for the temporary export of objects in soil samples from archaeological sites in Northern Ireland; (vi) for the temporary export of objects owned or under the control of national institutions or institutions holding Designated collections	67	91
(f) Number of items licensed after the Export Licensing Unit was satisfied of import into the UK within the past 50 years	32,802	10,770
(g) Total value of items in (f)	£8,546,102,829	£7,194,621,875
(h) Number of items in (f) which were manuscripts, documents or archives	1,671	1,587
(i) Total value of items in (h)	£60,645,287	£69,196,794
(j) Number of items given an EU licence without reference to the question of national importance because they were valued at below the appropriate UK monetary limit ² ; owned by a museum or gallery that has an Open Individual Export Licence (OIEL); manuscripts valued at £1,500 or less or coins valued at £500 or less and the exporter holds a valid OIEL; musical instruments exported for less than three months for use in the course of work by a professional musician; a motor vehicle exported for less than three months for social, domestic or pleasure purposes; a foreign registered motor vehicle exported following importation for less than three months for pleasure purposes; imported into the UK in the last 50 years and being exported on a temporary basis	3,359	4,146
(k) Total value of items in (j) ²	£2,360,899,205	£814,289,270

¹ One application may cover several items.

² In some cases, an EU export licence may be required to export items that are valued below the relevant UK monetary limit. In such cases, an EU licence will normally be given without referring the licence application to the expert adviser on the question of national importance.



department for
culture, media
and sport

Report of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest

1 May 2010 – 30 April 2011

To:

Rt Hon Jeremy Hunt MP

Secretary of State for Culture, Olympics, Media and Sport

57th Report of the
Reviewing Committee



Museums
Libraries &
Archives

Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest

Members of the Committee 2010/11

Lord Inglewood (Chairman)
Professor David Ekserdjian
Ms Philippa Glanville
Mr Johnny Van Haeften (until 2 June 2011)
Mr Simon Swynfen Jervis
Dr Catherine Johns
Professor Pamela Robertson (until 10 September 2010)
Dr Christopher Wright

Secretary

Mr Sean BC Farran (until January 2011)
Mr Peter Rowlands (incoming March 2011)

Postal Address

Secretary
Reviewing Committee on the Export of
Works of Art and Objects of Cultural Interest
Arts Council England
14 Great Peter Street
London
SW1P 3NQ

*A register of interests held by Committee members is posted on
Arts Council England's website: www.artscouncil.org.uk*

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Reviewing Committee Report for 2010/11

1 May 2010 – 30 April 2011

Introduction

History and operation of the export control system

A history of export controls in the UK and a description of current export controls and the operation of the Reviewing Committee are included at Appendix A. The terms of reference of the Reviewing Committee are included at Appendix B.

Observations on the working of the system of Export Control

While much of the Committee's time is taken up with individual case hearings, it holds a wider and equally important role of keeping a watching brief over the workings of the export control system and advising the Secretary of State thereon.

Increasing philanthropy and aiding acquisitions

We have in previous years called for changes to the tax system in particular the extension of the existing 'douceur' mechanism to all cases where tax might be offset through transferring ownership of a cultural object to the nation.

We are, therefore, very pleased that the 2011 Budget announced a number of measures to increase philanthropy which, in the context of our responsibilities, quite properly ranges more widely than our own particular concerns. These include a consultation over the summer to look into how pre-eminent works of art and other historical objects might be used to satisfy tax obligations during the lifetime of the giver. This would complement the Acceptance in Lieu (AIL) scheme, which for many decades has allowed the payment of Inheritance Tax by way of offering pre-eminent works from the estates of the deceased. The Reviewing Committee welcomes the publication of the consultation paper which is a significant development. We believe such a scheme has very real potential to play a major part in securing the nation's cultural inheritance for the future but inevitably the devil lies in the detail and we hope very much that there will be no artificial limit on the scheme that would frustrate its intentions. Self evidently, arrangements to encourage lifetime giving of cultural objects, which are well proven to be effective in other countries, must balance

the public interest, whilst providing an appropriate level of fiscal recognition of the philanthropists' generosity.

There is little doubt that, in the current economic climate, increasingly innovative solutions are needed to fill the gap left by reduced public funding. An example of this kind of arrangement is the very welcome loan, begun last year to the National Gallery under the 'Ridley' Rules, of Domenichino's *St. John the Evangelist*. 'Ridley' purchases are made by a private owner who undertakes to ensure the object remains in the UK with suitable levels of public access and appropriate arrangements to ensure the proper care of the object.

As part of the wider deliberation about general ways in which private purchasers can be involved in the retention of National Treasures within the UK, the Committee would welcome consideration from the Secretary of State as to whether it would be desirable to increase the period of time, currently five years, for which a 'Ridley' purchaser gives an undertaking to retain the object within the country. The Ridley Rules provide an important mechanism to allow a private individual to assist in the implementation of the general public policy that important cultural objects should remain within these shores while compensating export applicants for any limitation to their rights to the enjoyment of their property. In the last twenty years the Ridley procedure has worked well, but given the period of time since its introduction, it seems an appropriate moment to look at the detail and ensure that a proper balance is being struck between national interest and private owners.

It is very good news that in all kinds of ways the Government is looking to find 'new' means of securing the nation's National Treasures. At the risk of stating the obvious, success will be judged by whether they actually achieve this.

Economic context including the adequacy of available funding to retain 'Waverley' items in the United Kingdom

In our last report, during a period when the average price in all sectors of the art market fell, we stated that exceptional pieces continued to achieve outstanding prices. This year we have continued to see buyers pay substantial sums in order to secure the finest examples available, for example the

£29.7m (including premium) paid for JMW Turner's *Modern Rome – Campo Vaccino*. By their very nature, items of 'Waverley' quality are likely to be of interest to an international audience and, in general, tend to appreciate in value ahead of more run-of-the-mill examples.

Whilst the art market as a whole has experienced a marked recovery over the last year, particularly in the area of Modern and Contemporary works, some sectors such as the Oriental market continue to surge ahead to well above their previous levels; the market has become an increasingly global one, with the recovery being in part attributed to the influence of international buyers from new markets. In particular the growing influence of mainland Chinese purchasers is evident and it is likely that such sales will only increase the workload of the Committee.

In successive annual reports the Committee has expressed its concern at the difficulty of raising funds to purchase export-stopped items. The effect of the 'credit crunch' and the resulting stringencies imposed by the Comprehensive Spending Review, means that it is increasingly challenging for museums to make these acquisitions. The Committee notes with regret the decision of the Scottish Government to reduce the National Fund for Acquisitions by 25 per cent (£200,000 to £150,000) but was encouraged as this was less than the 50 per cent reduction originally proposed. We are deeply disturbed to learn of the reduction by a third (£900,000 to £600,000) of available funding for the MLA/V&A Purchase Grant Scheme, administered by the Victoria & Albert Museum (V&A), which provides small but essential sums for acquisitions. The reduction of grant-in-aid funding for the National Heritage Memorial Fund (NHMF) is of particular concern to the Committee as this is the so-called fund of last resort, which is especially important to the acquisition of the most costly items. As such, the Committee urges Ministers most strongly to restore the level of grant-in-aid funding to £10m per annum.

At the end of the year the Art Fund announced that it would increase its core funding for acquisitions and display of art by 50 per cent from £4.5m to £7m by 2014 and also launched its new National Art Pass. It is admirable and most welcome that the Art Fund is increasing its commitment to acquisitions at a time when the general economic climate is uncertain and is in the best tradition of the Fund's activities since its founding in 1903.

The practice of withdrawing licence applications, following either a serious expression of interest in purchasing the object or an unconditional offer and of subsequently refusing such offers

In our 2004/05 Report we stated our serious concern about the practice of a few applicants for export licences, who indicated that they would accept a matching offer at the time of the hearing and subsequently changed their minds.

We regret to record again that some public institutions have, on the basis of such assurances, wasted time, effort and fundraising credibility by raising the necessary sums, only to have their offer rejected, despite the fact that a written undertaking to sell had been given by the applicant.

We say once again that we do not consider that this practice runs with the grain of the Waverley system, and the conventions surrounding it, and that it is an abuse of the system. As a result of the re-appearance of this practice, during the year there have been public calls for the introduction of so-called '*binding offers*'. It is, of course, the case that the procedures of the export control system must be consistent with Human Rights legislation and the owner's right to the peaceful enjoyment of their property. The implications are wide-ranging and there is no consensus in the sector about what, if any, changes should be made. The Committee however remains of the opinion that the integrity of the Waverley system depends upon those affected by it honouring the obligations to which they have previously agreed, such as a formally declared willingness, both at the Committee's hearing and in subsequent correspondence, to accept a matching offer from a UK purchaser.

It is for this reason we believe it is reasonable and proportionate for a change to be introduced. We propose that those who have made a serious expression of interest and raised funds to make a matching offer, only to be thwarted by an owner's change of heart about agreeing to sell (albeit that they had previously given a written undertaking at the beginning of the second deferral period to this effect), should be compensated for all '*loss and damage*' they have suffered as a result of relying on the owner's undertaking, just as if a binding contract to sell were in place. Such compensation should extend to funding bodies which have also suffered loss and damage as a result of the owner's refusal to accept a matching offer.

The onus at this stage of the proceedings should rest with the applicant/owner. The Committee has submitted its proposals to the Secretary of State that the procedures be altered to give effect to this. We believe the way in which the system actually operates within the terms of Human Rights and Public Administrative Law should give effect to its original spirit as conceived by the Waverley Committee in 1952.

Temporary Licences

In our last report we wrote that we would be submitting a paper proposing a new policy for temporary licences to the Secretary of State for his consideration. That paper, recommending that there should be a proper published policy and that there should be limits on the extent to which temporary licences may be extended was submitted and the Department is now in the process of reviewing the policy on temporary licences.

European dimension

The Committee is aware that during discussions at the working group on the review of Directive 93/7/EEC on the return of cultural objects classified as National Treasures unlawfully removed from the territory of a Member State France suggested setting up a working group to examine the definition of 'National Treasures possessing artistic, historic or archaeological value' for the purposes of the Directive. A consultation on the proposals for revision of Directive 93/7/EEC is likely to be conducted next year and the Committee will be following any developments with interest and is reassured to learn that the majority of member States are opposed to any change to the Directive which currently allows each country to operate their own method of defining National Treasures.

Committee Members, Expert Advisers, Independent Assessors and the administration of the system of export control

During the year Pamela Robertson resigned from the Committee due to other work commitments. We should like to record our appreciation for her valuable service over the seven years of her membership. Two members were re-appointed for a second term: Simon Swynfen Jervis till 9 April 2015 and Dr Christopher Wright till 19 November 2014. Two members were re-appointed for a third term: Professor David Ekserdjian till 13 November 2012; Dr Catherine Johns till 18 February 2013. A full list of members can be found at the beginning of this report and brief biographies are included at Appendix C.

Once again we would like to emphasise that expert advisers should not be reluctant to refer items to the Committee

even though it seems to them unlikely that funds would be available for their purchase. After all, nobody can be sure about this. Nor should advisers feel discouraged when the Committee finds that an object to the export of which they have objected does not meet the Waverley criteria. Expert advisers play a crucial role in ensuring that items potentially of Waverley standard come before the Committee, as we need to form an overall view of which outstanding cultural objects are leaving the country.

The Committee would like once more to thank the Secretary of State's expert advisers and the independent assessors for their vital expertise, time and commitment; and all those in the Export Licensing Unit at MLA and at DCMS, who administer the system on your behalf without whose efforts the system of export control could not function in the manner which it does.

Additional Sources of Funding for Acquisitions

UK public institutions, regrettably, have very limited acquisition funds. So we are extremely grateful, as always, for the external funding provided towards purchasing items placed under deferral as a result of recommendations we have made. The main sources of funding are listed below, and the tables at Appendix G give further details of the funding received for export-deferred items.

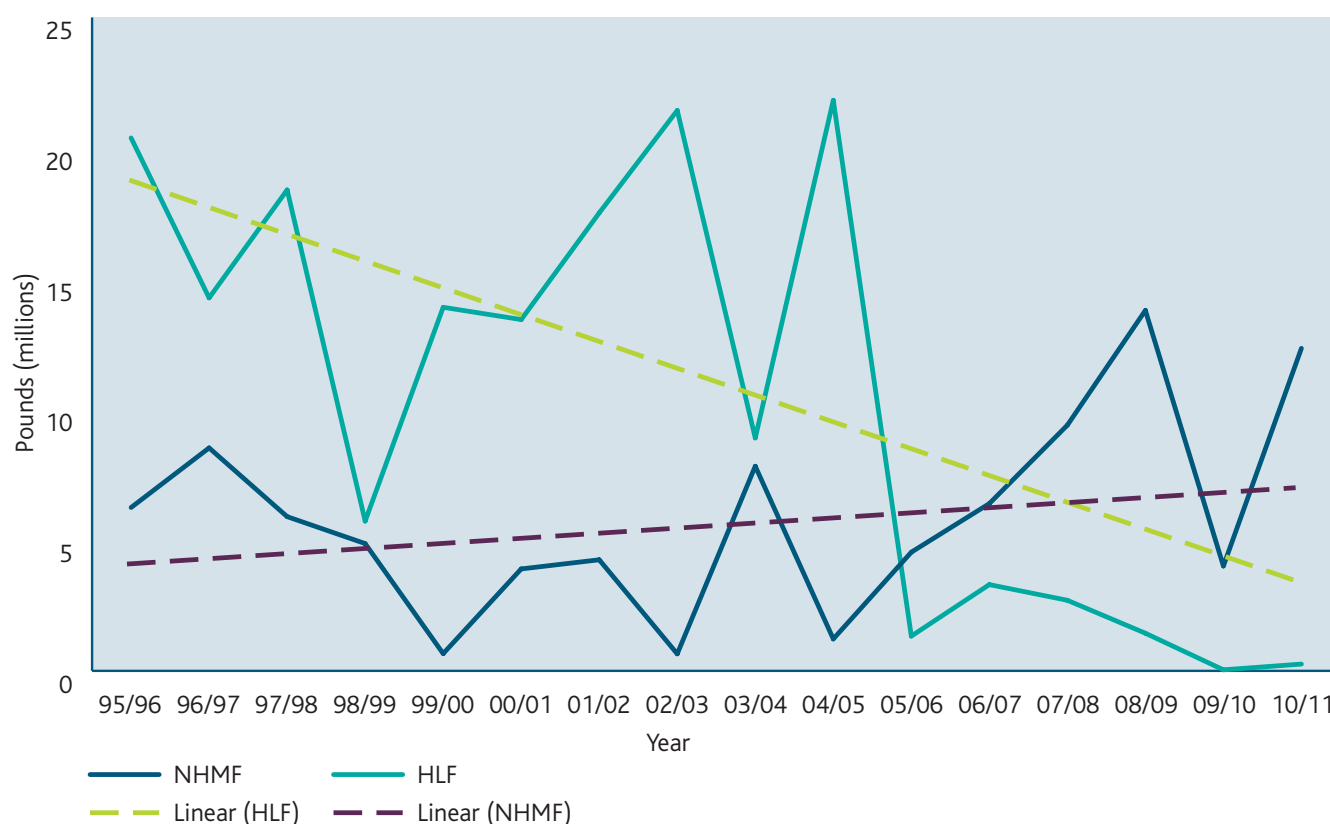
i) The National Heritage Memorial Fund

The National Heritage Memorial Fund (NHMF) was set up under the National Heritage Act 1980 in memory of the people who gave their lives for the UK. Its purpose is

Year	NHMF (£ millions)	HLF (museums/galleries) (£ millions)	HLF (manuscripts/ archives) (£ millions)	Total (£ millions)	Total adjusted for Inflation as per 2010 (£ millions) approximate*
2001/02	4.25	14.92	2.60	21.77	28.08
2002/03	0.65	19.29	2.15	22.09	28.03
2003/04	7.83	5.59	3.32	16.74	20.64
2004/05	1.22	1.18	20.65	23.05	27.60
2005/06	4.54	1.19	0.14	5.87	6.84
2006/07	6.40	2.10	1.20	9.70	10.95
2007/08	9.40	1.10	1.60	12.10	13.09
2008/09	13.79	1.12	0.32	15.23	15.85
2009/10	4.01	0.36	0.04	4.41	4.61
2010/11	12.34	0.69	0.26	13.29	n/a

*Figures based on the Bank of England Inflation Calculator for illustrative purposes only: www.bankofengland.co.uk/education/inflation/calculator/index1.htm

NHMF and HLF spend on acquisitions 1995/96 to 2010/11



to act as a fund of last resort to provide financial assistance towards the acquisition, preservation and maintenance of land, buildings, works of art and other objects which are of outstanding importance to the national heritage and are under threat. The Government increased the NHMF's grant-in-aid from £2m in 1997/98 to £5m in 2001/02 and maintained it at that level until 2006. In 2007/08 the government doubled the NHMF grant-in-aid to £10m. In March 2010 it was announced that the budget for 2010/11 would be reduced to £5m. NHMF has undertaken to allocate £5m per year in grant funding from 2011/12-2014 and use the NHMF endowment fund if necessary for exceptional cases such as the St Cuthbert Gospel.

In 2010/11 the NHMF contributed funding to the acquisition of three items placed under deferral following a recommendation by the Reviewing Committee. The zodiac settle by William Burges was acquired by the Cecil Higgins Art Gallery and Bedford Museum who were awarded an NHMF grant of £430,000; the Beckford cabinet on stand, for which NHMF awarded £148,000 to the Beckford Tower Trust and Lord Raby's Silver Cistern for which Leeds Museums and Galleries secured an exceptional grant of £1,832,000 from NHMF. Other significant NHMF grants included £1,993,760 toward the University of

Southampton's acquisition of the Broadlands Archive, among the most significant of British archives to remain in private hands, and £4.5m toward the British Library's acquisition of the 7th century St Cuthbert Gospel, one the world's most important books.

ii) The Heritage Lottery Fund

The Heritage Lottery Fund (HLF) distributes lottery proceeds that go towards the 'Heritage Good Cause'. Its priorities, at national, regional and local levels, include conservation and enhancement, encouragement for more people to be involved, and making sure that everyone can learn about, have access to, and enjoy their heritage.

HLF had £225m for 2010/11 for projects aimed at preserving and making accessible the nation's heritage. It is prepared to make grants of up to 95 per cent of the total cost for grants up to £1m. For larger requests, of over £1m applicants are expected to provide ten per cent of the total costs. Recently HLF made grants of £121,100 to Keats House for the purchase of a love letter written by John Keats to Fanny Brawne dated 1820, £8,800 to Cumbria Archives Service to secure the personal and literary papers of the famous Lakeland figure Alfred Wainwright and £142,000 to the University of York for the Alan Ayckbourn Archive.

In addition, HLF allocated over £3m for 22 projects lasting up to 2013 under its Collecting Cultures initiative. This supports the strategic development of museum collections, not just funding for purchases, but also for staff development and public engagement with collections.

The table and graph on pp.12-13 set out the figures for the NHMF's and HLF's commitments to acquisitions, including grants awarded for the acquisition of manuscript and archive material.

Looking at the trend over the past decade a small increase in support from the NHMF will be noted, but a more striking feature is the continued and marked decline in support from the HLF in monetary terms quite apart from the impact of inflation. A reversal of this decline in the HLF's acquisitions' funding would go some way to alleviate the difficulty of raising funds to purchase export-deferred items.

We believe that the HLF's application procedure should accommodate the particular circumstances of export deferrals to ensure that institutions that are interested in acquiring export-deferred items are able to make a matching offer within the tight timescales necessary to ensure that the UK export procedures are fair to all parties concerned and command the respect of those whom they affect.

iii) The Art Fund

The Art Fund is the national fundraising charity for works of art and plays a major part in enriching the range and quality of art on public display in the UK. It provides money to museums and galleries to buy, show and share art, and offers many ways of enjoying it through the National Art Pass and membership scheme. It also runs campaigns to make it easier for museums to acquire works of art, including pressing for new tax incentives to encourage giving. The Art Fund is funded by 80,000 members and supporters who believe that great art should be for everyone to enjoy.

The Art Fund often uses its money as challenge-funding to lead fundraising appeals to save works of art from leaving the country or being taken from public view. In 2010, it led two major appeals that raised £6m in order to buy the Staffordshire Hoard for the West Midlands and, in partnership with the National Trust, Pieter Brueghel the Younger's *The Procession to Calvary* for Nostell Priory, West Yorkshire.

Over the past five years the Art Fund has given £24m in funding to 248 UK museums to help buy individual works of art, including many export-deferred objects. In 2010/11 the Art Fund contributed £470,000 to secure four export-deferred items for the nation, including £180,000 towards

the Cecil Higgins Art Gallery's purchase of a zodiac settle designed by William Burges; £140,000 towards Temple Newsam's acquisition of the great silver wine cistern of Thomas Wentworth; £110,000 towards the Beckford Tower Trust's purchase of the Beckford cabinet on stand and £40,000 towards a lacquered Imari porcelain garniture for the Ashmolean Museum.

iv) The MLA/V&A Purchase Grant Fund

The MLA/V&A Purchase Grant Fund assists the purchase of objects costing less than £500,000 for the collections of non-national museums, galleries, specialist libraries and record offices in England and Wales. In 2010/11 it made 143 awards totalling £900,627. One item which had been placed under deferral following a recommendation of the Reviewing Committee during the period of this report fell within the Fund's remit. A grant of £20,000 towards the Ashmolean Museum's purchase of a lacquered Imari porcelain garniture has been offered from the Fund's 2011/12 budget.

The Purchase Grant Fund is always greatly oversubscribed and it is regrettable that its budget, static from 1995-2008 at £1,000,000, was reduced to £900,000 by MLA in 2009/10 and to £600,000 for 2011/12.

v) The National Fund for Acquisitions

The National Fund for Acquisitions (NFA), provided by Scottish Government to the Trustees of National Museums Scotland, contributes towards the acquisition of objects for the collections of museums, galleries, libraries and archives across Scotland. The NFA can help with acquisitions in most collecting areas including objects relating to the arts, literature, history, natural sciences, technology, industry and medicine. In 2010/11 the NFA made 68 payments totalling £157,845 to 28 organisations. At 31 March 2011 a further 11 awards with a total value of £41,970 had been committed but not yet paid. NFA's already limited funding has suffered a cut of 25 per cent, reducing the grant to only £150,000 in the financial year 2011/12. NFA funding had remained at £200,000 per annum since 1996, a figure which in real terms has declined very considerably in value during the subsequent fifteen years. This cut will severely limit the effectiveness of the Fund in supporting collecting in Scotland.

vii) The Acceptance in Lieu Scheme

The Acceptance in Lieu Scheme enables historically important buildings, pre-eminent works of art and archives, and those that make a significant contribution to buildings in which they are housed, to become public property so that they are secured for the enjoyment and inspiration of all both now and in the future. In 2010/11 29 cases were completed, ensuring that just short of £8m worth of important objects and archives have entered public

collections. The items accepted included a spectacular crystal specimen of the mineral prehnite from India allocated to the Natural History Museum and a piece of contemporary jewellery from the 1970s, 'Anni's Necklace' by Charlotte de Syllas (b. 1946) crafted in black jade, opal, rock crystal and white 18 carat gold. Also a painting by the little known Leeds artist, Bruce Turner (1894-1963), of the Russian ballerina Pavlova which shows an unexpected familiarity with Italian Futurism and three works by Keith Vaughan (1912-1976) one of the leading neo-Romantic artists of his generation. Five archives were accepted, including the medals and awards of Sir Harold Pinter which have joined his literary papers that were bought by the British Library in December 2007, the complete papers of the novelist J. G. Ballard and the papers of the explorer Charles Sturt. Information on all the works of art and the archives accepted through the scheme in 2010/11 will appear in due course in the 2010/11 Acceptance in Lieu Annual Report which will be available on Arts Council England's website at www.artscouncil.org.uk/about-us/museums-and-libraries/cultural-property.

viii) Private Treaty Sales

If a heritage object is sold on the open market, the vendor may be liable to Capital Gains Tax and Inheritance Tax. However, these tax charges are not incurred if an owner sells the object by Private Treaty to a body (e.g. a museum or gallery) listed under Schedule 3 of the Inheritance Tax Act 1984. Qualifying heritage objects include any previously granted conditional exemption or an item which would qualify as of pre-eminent importance. This dispensation was extended in April 2009 to Corporation Tax on companies' chargeable gains. This is an attractive tax exemption because benefits are shared. The vendor receives the amount that he or she would have received at the agreed market value, net after tax, but also receives a *douceur* (usually 25 per cent) of the tax that would have been chargeable. The purchaser normally pays what would have been paid under normal arrangements, less a proportion of the tax (usually 75 per cent) that would have been chargeable.

Schedule 3 to the Inheritance Tax Act 1984 lists those museums that are able to benefit from a *douceur* when acquiring works of art that are subject to either Inheritance Tax, Capital Gains Tax or Corporation Tax on sale.

Advisory Council

Many different branches of art and learning have an interest in the export of cultural objects and all the issues associated with it, as do many different UK institutions. They cannot all be represented on the Reviewing Committee but their knowledge and advice is valuable. The original Waverley

Committee therefore recommended the creation of a widely representative Advisory Council, which would meet from time to time, as circumstances might require, to discuss matters of common interest and the operation of the system as a whole. It was envisaged that the Council would advise whether the right standards were being applied to the different categories of objects, as well as enabling institutions, not least provincial ones, and the art trade to make their views known.

Membership of the Council includes the expert advisers (who refer objects to the Committee and are normally appointed by the Secretary of State for Culture, Olympics, Media and Sport as 'champions' for their retention when the decision on the export licence is deferred), as well as representatives of the institutions seeking to acquire deferred items, of grant-making bodies, of the art trade and of interested associations. (See Appendix H for full details.)

The Advisory Council is normally convened annually and met most recently on 8 June 2011. The main issues discussed were the intention to transfer selected MLA functions into Arts Council England and the decision to base the Export Licensing Unit in the Council's central London office. There was also a discussion of the practice of withdrawing licence applications, following either a serious expression of interest in purchasing the object or an unconditional offer and of subsequently refusing such offers. The discussions were followed by a presentation by Clive Lewis QC (11 King's Bench Walk), Edward Manisty (Consultant, Farrer & Co) and James Rivett (Pump Court Tax Chambers) who spoke on "UK export control and taxation reliefs for heritage chattels: can the current framework survive emerging trends in Europe". The Council also considered the draft of the Reviewing Committee's Annual Report for 2010/11. Its comments have been fully considered and are reflected in this text.

Manuscripts, Documents and Archives

The Working Party on Manuscripts, Documents and Archives is a Sub-Committee of the Reviewing Committee. Its terms of reference were revised in 2005 and are as follows:

'To consider the present arrangements for the export control of manuscripts, documents and archives, and the sources of funds available (to UK institutions) for their acquisition and to make recommendations resulting from this consideration.'

For membership of the Working Party on Manuscripts, Documents and Archives, see Appendix K.

The Working Party usually meets annually, although it may meet more frequently if necessary. It met most recently on 17 May 2011 when it considered the renewal of a number of Open Individual Export Licences ("OIEL") for manuscripts which had been granted to run for three years from 1 January 2011. It also recommended the provision of copies in cases brought before the Reviewing Committee, where manuscripts were judged not to meet the Waverley criteria. The Working Party noted the cuts in funding to the MLA/V&A Purchase Grant Fund, the MLA PRISM Fund and the NHMF and the repercussions of these reductions on acquisitions. There followed a discussion on the number of digital copies of manuscripts in the new standard format received by the Export Licensing Unit.

The Working Party then looked at sources of financial help for the acquisition of manuscripts, documents, and archives.

Written reports had been submitted by the MLA/V&A Purchase Grant Fund, the MLA PRISM Fund, the Friends of the National Libraries, the Secretary of the Acceptance in Lieu Panel and The National Archives Sales Monitoring Service. The Heritage Lottery Fund and the National Heritage Memorial Fund subsequently provided details of funding towards archival and manuscript material.

i) The MLA/V&A Purchase Grant Fund

During 2010/11, the MLA/V&A Purchase Grant Fund considered 46 cases in respect of manuscript material and offered 29 grants totalling £177,859, enabling purchases of over £400,000 to go ahead. The budget remained at £900,000 for the Fund overall and pressure on resources meant that grants for manuscripts were reduced by a total of £14,635 from the sums requested.

ii) The MLA PRISM Fund

The MLA PRISM Fund supports the acquisition and conservation of material relating to all fields of the history of science, technology, industry and medicine. During 2010/11, it was able to make two grants for the acquisition of archival or similar material, totalling £18,856.25. Four applications were unsuccessful.

iii) The Friends of the National Libraries

The Friends assist various institutions primarily by promoting the acquisition of printed books, manuscripts and records of historical, literary, artistic, architectural and musical interest. The Friends made or committed 28 grants to 23 institutions in 2010, totalling £89,064 from the operating fund and £19,992 from the restricted funds.

iv) The Heritage Lottery Fund and National Heritage Memorial Fund

The Funds made awards for the purchase of archival and manuscript material totalling £7,367,197 in 2010/11.

v) Acceptance in Lieu

The Acceptance in Lieu scheme is also an important means of retaining archival material within the United Kingdom. During 2010/11 the Acceptance in Lieu scheme brought into public ownership five archives. Information on these and all 29 acceptances during 2010/11 will appear in due course in the 2010/12 Acceptance in Lieu Report which will be available on Arts Council England's website at www.artscouncil.org.uk/about-us/museums-and-libraries/cultural-property.

vi) National Archives sales catalogue monitoring service

The sales catalogue monitoring service, among its other functions, notifies repositories when manuscripts and archives become available for acquisition through public sales. This service is greatly valued by repositories. In 2010/11 63 items were purchased by 30 different repositories as a result of notifications. However, there were 34 unsuccessful bids, as repositories were outbid or dealers had already disposed of stock.

The Working Party strongly endorses the work of these funds and this scheme and service and expresses its thanks to the advisers and administrators of all of them, who work hard, often at very short notice, to enable applicants to acquire material. It noted that the national endorsement they provide to local institutions is often as valuable as the financial assistance they provide.

The Working Party then discussed the announcement in the 2011 Budget of a number of measures to increase philanthropy, including a consultation over the summer to look at the feasibility of encouraging donations of pre-eminent works of art and other historical objects to the nation in return for a tax reduction and wished to repeat its call for the extension of such relief to the works of living authors.

Table 1

The statistics below show the figures for the number of cases from 2001/02 to 2010/11.

(1) Year	(2) Cases considered by the Committee	(3) Cases where a decision on the licence application was deferred	(4) Cases in (3) where items were not licensed for permanent export	(5) Cases where items were not licensed for permanent export as % of (3)	(6) Value (at deferral) of cases in (4) where items were not licensed for permanent export (£m)	(7) Cases in (3) where items were licensed for permanent export	(8) Cases where items were licensed for permanent export as % of (3)	(9) Value of items in (3) (at deferral) licensed for export (£m)
2001/02	34	30 ¹	25	83	7.5	5	17	11.4 ²
2002/03	26	23	14	61	51.7	9	36	23.2
July 2003/ April 2004	18	9	7	78	6.8	2	22	1.0
2004/05	32	25	15	60	16.2	10	40	30.2
2005/06	22	17	9	53	8.3	8	47	7.3
2006/07	28	19 ³	14 ⁴	74	11.8	4	21	10.7
2007/08	18	16	9 ⁵	56	2.5	7	44	12.8
2008/09	22	16	9	56	1.5	7	44	14.2
2009/10	14 ⁶	13 ⁷	7	54	10.1	6	46	60.8
2010/11	18 ⁸	14 ⁹	7	50	5.9	7	50	65.8
Totals	232	182	116	64	122.3	65	36	237.4

¹ Excludes one case where an item was originally thought to be Waverley but subsequently found to have been imported into the UK within the last 50 years.

² Excludes one case where a licence was issued but the owner subsequently sold the item to a UK institution.

³ Excludes one case where an item was originally thought to be Waverley but subsequently found to have been imported into the UK within the last 50 years.

⁴ Excludes one case still under deferral at the time of writing and includes two cases where the licence application was withdrawn during the deferral period.

⁵ Includes one case where the licence application was refused at the end of the first deferral period because the owner refused to confirm that he/she was willing to accept a matching offer from a UK purchaser.

⁶ Excludes one case which was carried over into 2010/11.

⁷ Excludes one case which was carried over into 2010/11.

⁸ Includes one case which was carried over from 2009/10.

⁹ Includes one case which was carried over from 2009/10.

Table 2

The statistics below show the figures for the values associated with cases from 2001/02 to 2010/11.

(1) Year	(2) Cases where a decision on the licence application was deferred	(3) Value of items in (2) (£m)	(4) Cases where items were acquired by institutions or individuals in the UK ¹	(5) Value (at deferral) of items in (4) (£m)	(6) Value of items in (5) as % of (3) (£m)	(7) Cases where the application was refused or withdrawn after the announcement of the Secretary of State's decision	(8) Value of items in (7) (£m)
2001/02	30 ²	18.9	22 ³	5.4	29	3	2.0
2002/03	23	74.9	12	39.2	52	2	12.5
July 2003/ April 2004	9	7.7	7	6.8	88	1	0.8
2004/05	25	46.4	10	5.8	13	7	11.3
2005/06	17	15.6	9	8.3	53	0	0
2006/07	19 ⁴	24.5	12	7.0	29	3	4.8
2007/08	16	15.3	8	1.4	9	1	1.1
2008/09	16	15.7	9	1.5	10	0	0
2009/10	13 ⁵	71.5	6	10.1	14	1	0.6
2010/11	14 ⁶	71.7	4	3.8	5	3	2.1
Totals	182	362.2	99	89.3	25	21	35.2

¹ This only includes items purchased by individuals who agreed to guarantee satisfactory public access, conservation and security arrangements.

² Excludes one case where an item was originally thought to be Waverley but subsequently found to have been imported into the UK within the last 50 years.

³ Includes one case where a licence was issued but the owner subsequently sold the item to a UK institution.

⁴ Excludes one case where an item was originally thought to be Waverley but subsequently found to have been imported into the UK within the last 50 years.

⁵ Excludes one case which was carried over into 2010/11

⁶ Includes one case which was carried over from 2009/10.

Operation of the Control

Export Licence Applications

During the period covered by the report (1 May 2010 to 30 April 2011):

- there were 11,134 applications for export licences;
- 1,679 of these applications were for the export of manuscripts, documents or archives;
- the applications covered a total of 55,847 items;
- 19,686 items with a value of £1,487,129,756 were issued with export licences after they had been referred to expert advisers;
- 67 Open Individual Export Licences were in operation having been issued in December 2010 to take effect for a period of three years commencing on 1 January 2011 and ending on 31 December 2013 to regular exporters for the following categories of objects: (a) 11 for the export of manuscripts, documents, archives and photographic positives and negatives; (b) three for the export of goods over 50 years of age imported into the UK within the past 50 years; (c) one for the export of UK origin coins; (d) one for the temporary export of a Rolls Royce; (e) one for the temporary export of objects in soil samples from archaeological sites in Northern Ireland and (f) 50 for the temporary export of objects over 50 years of age owned by or under the control of a national institution or an institution holding a designated collection.
- 32,802 items with a value of £8,546,102,829 were issued with export licences after the Export Licensing Unit was satisfied that they had been imported into the United Kingdom within the past 50 years;
- 1,671 of these items with proof of import were manuscripts, documents or archives, with a total value of £60,645,287;
- 3,359 items, with a value of £2,360,899,205 were given an EU licence without reference to the question of national importance because they were either: valued at below the appropriate UK monetary limit; owned by a museum or gallery that has an Open Individual Export Licence (OIEL); manuscripts valued at £1,500 or less or coins valued at £500 or less and the exporter held a valid OIEL; musical instruments exported for less than three months for use in the course of work by a professional musician; a motor vehicle exported for less than three months for social, domestic or pleasure purposes;

a foreign registered motor vehicle exported following importation for less than three months for pleasure purposes; imported into the UK in the last 50 years; being exported on a temporary basis.

Cases Referred to the Committee

In 2010/11 24 cases were referred to the Committee because the appropriate expert adviser had objected to the proposed export on the grounds of national importance. This is a fraction of the items covered by the export licensing system and shows that expert advisers think very carefully before referring cases to us.

Of these 24 cases referred to the Committee in 2010/11, seven were withdrawn before they reached the stage of consideration by us. The other 17 cases were considered at eight meetings. One case that was referred to the Committee in 2009/10 was re-considered and resolved in 2010/11. The criteria that were applied in each case by the Committee were:

History	Aesthetics	Scholarship
Is it so closely connected with our history and national life that its departure would be a misfortune?	Is it of outstanding aesthetic importance?	Is it of outstanding significance for the study of some particular branch of art, learning or history?
<i>Waverley 1</i>	<i>Waverley 2</i>	<i>Waverley 3</i>

Items found to meet the Waverley criteria

The Committee found that of the 18 cases which were considered, 14 met at least one of the Waverley criteria. The Committee starred four of them (Cases 3, 9, 11 and 15) as a sign of their outstanding importance, to indicate that especially great efforts should be made to retain them in the UK. The 14 cases were:

Case 15 (2009/10): A painting said to be by Sir Peter Paul Rubens, *Portrait of a Young Woman* (met second and third criteria)

Case 1: A gold gem set tiger's head finial (met third criterion)

Case 2: An Edward VI silver-gilt mounted Rhenish salt-glazed tankard (met third criterion)

Case 3: A relief of *Ugolino imprisoned with his sons and grandsons* by Pierino da Vinci (met second and third criteria, starred)

Case 4: A zodiac settle by William Burges (met second and third criteria)

Case 5: An early 19th century regulator by John Roger Arnold (met first and third criteria, starred)

Case 9: A painting by Joseph Mallord William Turner, *Modern Rome – Campo Vaccino* (met all three criteria, starred)

Case 10: A painting by Jan de Bray, *David and the Return of the Ark of the Covenant* (met third criterion)

Case 11: The great silver wine cistern of Thomas Wentworth (met second and third criteria, starred)

Case 13: A lacquered Imari porcelain garniture (met second and third criteria)

Case 14: A William IV cabinet on stand by William Beckford (met second and third criteria)

Case 15: A painting by Nicolas Poussin, *Ordination* (met all three criteria, starred)

Case 16: A painting by Frans Hals, *Family Portrait in a Landscape* (met third criterion)

Case 17: A painting by Luis de Morales, *The Virgin and Child* (met second and third criteria)

Items found not to meet the Waverley criteria

Four items were found not to meet any of the Waverley criteria. They were:

Case 6: A George I silver seal salver with the mark of Paul de Lamerie

Case 7: The papers of George Augustus Selwyn

Case 8: A watercolour by Joseph Mallord William Turner, *Virginia Water*

Case 12: A painting by Hans Wertinger, *A Jousting Scene in the Town Square at Landshut*

Waverley items referred to the Secretary of State

Fourteen cases were referred to the Secretary of State for deferral and the Secretary of State accepted the Committee's recommendations on all of them. The aggregate value of the 14 items deferred was £71,725,403.13.

Deferred items that were acquired

Of the 14 deferred items, the following four were acquired by institutions in the United Kingdom.

Case 4: A zodiac settle by William Burges purchased by the Cecil Higgins Art Gallery & Bedford Museum for £800,000 including £430,000 from NHMF, £180,000 from the Art Fund and £190,000 from the Trustees of the Cecil Higgins Art Gallery.

Case 11: The great silver wine cistern of Thomas Wentworth purchased by Temple Newsam (Leeds Museums and Galleries) for £2,073,648 (tax remission) including £1,832,000 from NHMF, £140,000 from the Art Fund, £27,000 from The Monument Trust, £27,000 from The J Paul Getty Jnr Trust, £16,000 from Leeds Collections Fund, £12,000 from the Fulford Bequest Fund, £10,000 from the Jacob Rothschild Foundation, £5,000 from The Goldsmiths Company and £4,648 from Leeds City Council (Museums & Galleries Acquisitions Fund).

Case 13: A lacquered Imari porcelain garniture purchased by the Ashmolean Museum for £109,250 including £40,000 from the Art Fund and £20,000 from the MLA/V&A Purchase Grant Fund.

Case 14: A William IV cabinet on stand by William Beckford purchased by the Beckford Tower Trust for £285,000 (plus VAT) including £148,000 from NHMF, £110,000 the Art Fund, £12,000 from individual donations and £15,000 contributed by H. Blairman & Son Ltd.

The four items purchased have a total value of £3,752,918.75 (value price at deferral), which represents five per cent of the total value of objects placed under deferral.

Deferred items that were subsequently exported

Unfortunately, it was not possible to retain in the UK every 'Waverley' object which was deferred. Export licences were issued for the seven items listed below. The fair matching price at which each item was deferred is given in brackets.

Case 15 (2009/10): A painting said to be by Sir Peter Paul Rubens, *Portrait of a Young Woman* (£1,000,000)

Case 2: An Edward VI silver-gilt mounted Rhenish salt-glazed tankard (£179,787.50)

Case 3: A relief of *Ugolino imprisoned with his sons and grandsons* by Pierino da Vinci (£10,000,000)

Case 9: A painting by Joseph Mallord William Turner, *Modern Rome – Campo Vaccino* (£30,284,968.75)

Case 10: A painting by Jan de Bray, *David and the Return of the Ark of the Covenant* (£1,622,260.13)

Case 15: A painting by Nicolas Poussin, *Ordination* (£15,000,000)

Case 16: A painting by Frans Hals, *Family Portrait in a Landscape* (£7,750,000)

The seven items for which export licences were issued have a total value of £65,837,016.38, which represents 92 per cent of the total value of objects placed under deferral and 50 per cent in number.

Unresolved Cases from Previous Years

At the time of writing the 2009/10 Report there was one unresolved deferral: a painting by Alonso Sánchez Coello, *The Infante Don Diego*. The Committee reported that a serious intention to purchase the painting was made by a UK institution prior to the end of the second deferral period. Before the end of the second deferral period the applicant withdrew their application.

Individual export cases

Case 15 (2009/10)

A painting said to be by Sir Peter Paul Rubens, *Portrait of a Young Woman*

The portrait is oil on canvas and measures 76 x 58 cm. It was painted c. 1602-4.

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £3,800,000, which represented an estimated price.

The Senior Curator at the National Gallery, acting as expert adviser, had objected to the painting's export under the second Waverley criterion, i.e. on the grounds that it was of outstanding aesthetic importance.

The expert adviser stated that he was aware that a major Rubens scholar in Antwerp, Dr. Hans Vlieghe, did not accept the attribution of this portrait to Rubens, but that he himself had no doubt about its autograph status. In his view this was the most lively portrait Rubens had painted before his 1604-5 blooming on SS Trinità Portrait of the Gonzaga family. He said that there was a frenetic linear energy in the brush work and a sense of a strong bond between the sitter and the artist that gave this portrait a powerful impact.

The applicant did not contest that the painting met the Waverley criteria. We heard this case in April 2010 when the painting was shown to us. We noted that Dr. Vlieghe, who was generally considered to be the main Rubens scholar, did not accept its attribution to the artist, whereas most other scholars did. We did not consider that we were competent to express an opinion on this issue not, indeed, is that within our remit, but we did feel that the painting was of outstanding aesthetic importance and also important for the study of Rubens and found that it met the second and third Waverley criteria. We recommended that the decision on the export licence application should be deferred for an initial period of two months. If, within that period, MLA received notification of a serious intention to raise funds with a view to making an offer to purchase the painting, the Committee recommended that there should be a further deferral period of four months. We were, however, unable to recommend a fair matching price and recommended that the Secretary of State should obtain an independent valuation of the painting.

The Secretary of State agreed the Committee's recommendation and sought an independent valuation of the painting. Two independent valuers were approached informally and both provided informal opinions questioning the attribution of the portrait to Rubens either fully or in part. In the light of this the Committee re-convened and we heard the case again in June 2010.

At that hearing the Committee explained to the applicant that its role was to assess, in the light of the new information, whether the painting still met the Waverley criteria and that it was not within its role to come to a definitive view as to whether the painting was by Rubens. We found that even with the question mark over its attribution the painting met the second Waverley criterion because of its outstanding aesthetic importance and also the third Waverley criterion because of its outstanding significance for the study of early 17th century portraiture in southern Europe.

We were again unable to recommend a fair matching price and recommended that the Secretary of State should appoint an independent valuer to advise on the value of the painting and that the applicant should also appoint an independent valuer with a view to the two independent valuers agreeing a valuation. In the event that they were unable to agree the Committee recommended that the Secretary of State should appoint an arbitrator by whose decision the parties would be bound. The applicant agreed to this procedure.

The Secretary of State agreed the Committee's recommendation and he and the applicant obtained independent valuations. The independent valuers so appointed were unable to agree a valuation for the painting, one of them valuing the painting at £2.8m and one at £1m. The Secretary of State appointed an arbitrator, Dr. Hans Vlieghe, who was instructed to arbitrate, i.e. to produce a reasoned choice between the two valuations submitted. He concluded that of the two valuations he considered that of £1m to be the more realistic one. A recommendation was therefore made to the Secretary of State that the fair matching price should be £1m. After giving careful consideration to all the evidence, the Secretary of State recommended that the fair matching price should be £1m.

The applicant requested that the deferral period should be reduced having regard to the amount of the fair matching price and the Committee agreed to recommend to the Secretary of State that the decision on the export licence should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £1m. We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the painting, the deferral should be extended by a further two months.

At the end of the initial deferral period, no offer to purchase the painting had been made and we were not aware of any serious intention to raise funds. An export licence was therefore issued.

Case 1

A gold gem set tiger's head finial

This tiger's head finial from the throne of Tipu Sultan of Mysore (1750-1799) dates from 1787-93. It is made from gold on a resin core and set with diamonds, rubies and emeralds. The whole is set on a black marble base, inscribed with Persian script. Its size is 6.9 x 17.50 cm (with base).

The applicant had applied to export the finial to Dubai. The value shown on the export licence application was £389,600, which represented the hammer price at auction plus buyer's premium.

The curators of the Department of Asia at the British Museum, acting as expert advisers, had objected to the finial's export under the first, second and third Waverley criteria on the grounds that it was so closely connected with our history and national life that its departure would be a misfortune; that it was of outstanding aesthetic importance; and that it was of outstanding significance for the art historical study of royal propaganda.

The expert advisers said that the tiger's head was part of the galleried edge to the throne of Tipu Sultan, made as a mark of Tipu's newly proclaimed independence from the titular but decaying power of the Mughal state in Delhi. After the Siege of Seringapatam in 1799 and the throne's dismemberment, the very large amount of gold with which it was covered, along with the canopy and other jewelled parts, were divided amongst the victors and as a result very little of it had survived. A near-contemporary drawing by Tonelli – Stronge 2009: 17 – showed eight finials; the whereabouts of only two were known today. Coming, as it did, from Tipu's throne, it was intimately connected with the King's person and integral to our understanding of the ways in which Indian kings constructed their identity and legitimacy.

The expert advisers suggested that the appearance of the current example, previously unknown to scholars and thus unstudied, was not only of importance intrinsically on account of its beauty and its rarity, but also on account of the enigmatic inscription, in Persian script, that appeared on the black marble mount which separated it from other items recovered from Tipu's throne. Although it could not be said categorically that the mount was part of the original ensemble and the inscription on it was unclear in meaning, it was full of potential given what was known about the fascination Tipu had for astrology, dream interpretation and calligrams.

The expert advisers considered that the context in which the object was located historically was also of great importance as it marked a moment when the focus of

power in South India shifted irrevocably to the British, and was part of a still hotly debated discourse concerned with imperialism, Hindu-Muslim relations, and the modern dispute between state and centre. Any items connected with Tipu, often described as the 'Tiger of Mysore', they said, were a source of enduring fascination, closely connected to our larger history and identity as a country with long-standing ties to South Asia and had a profound impact on how the British understand their engagement with Indian culture, identity, religion and power.

The applicant did not consider that the finial met the Waverley criteria. They said that while it was closely connected with the history and national life of the United Kingdom, its departure would not be a misfortune since there was a very similar example in the Clive Collection at Powis Castle. It could not be described as being of 'outstanding' aesthetic quality as the Royal Collection had a significantly more important aesthetic group relating to the throne of Tipu Sultan, including a large Tiger Head and Huma Bird and that the Victoria and Albert Museum and the National Army Museum also had important Tipu-related pieces.

We heard this case in May 2010 when the finial was shown to us. We found that it met the third Waverley criterion. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £389,600 (net of VAT). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the finial, the deferral period should be extended by a further three months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the tiger's head finial by Sir William Burrell's Trustees for the Burrell Collection. The owner confirmed that they were prepared to accept a matching offer from that institution and a decision on the export licence application was deferred for a further three months. At the end of the second deferral period the owner of the finial refused the offer by Sir William Burrell's Trustees for the Burrell Collection so the export licence was refused.

Case 2

An Edward VI silver-gilt mounted Rhenish salt-glazed tankard

This tankard dates from the early years of the reign of Edward VI. The stoneware vessel, made in western Germany, had been imported into England in the

16th century where it was fitted with a silver-gilt lid, neck-mount and foot-ring. The lid is marked for London 1550-51 and the tankard is 14.3 cm in height.

The applicant had applied to export the tankard to Italy. The value shown on the export licence application was £179,787.50, which represented a hammer price at auction of £145,000 plus buyer's premium of £30,250 and VAT on the buyer's premium of £4,537.50.

The Senior Curator in the Sculpture, Metalwork, Ceramics and Glass Department at the Victoria and Albert Museum, acting as expert adviser, had objected to the export of the tankard under the third Waverley criterion on the grounds that it was of outstanding significance for the study of the impact of the English Reformation on the material culture of daily life.

The expert adviser said that the piece was of outstanding significance because it combined the following exceptional features, the first of which was ownership. It was rare to know anything at all about the owners of Tudor silver and silver-mounted domestic objects. The arms on the lid of this tankard could be identified as those of William Warde. Warde was a figure of importance both in Cambridge University and in Court circles. He was born in 1534, at Landbeach, Cambridge, the second son of Thomas Warde of Barford (Warwickshire). He attended Eton, and was admitted to King's College Cambridge as a scholar in 1550. By 1567 he had qualified as a physician and he became Regius Professor of Physic in 1591, when he entered the service of William Cecil, Lord Burghley, and the Crown Treasurer as well. Warde also put his name to a Tudor best-seller. His 1558 English translation of a French compilation of esoteric observations on science and nature, dedicated to the Puritan sympathiser Francis Russell, ran to 20 editions by 1615. The hallmark on the silver lid dated the tankard to the 16-year-old Warde's first year at King's College, Cambridge. The English inscription engraved round the rim contributed to the exceptional nature of the piece as it provided an insight into Warde's religious beliefs. It represented a very different cultural category from earlier vessels with excerpts from Latin prayers. The inscription, 'But who Drynketh of the water of Lyfe shall never thyrste ag[ain]', was from St John's Gospel (4.14), but it did not reproduce the text of any contemporary published English translations. This enables one to glimpse the circulation of vernacular Biblical texts beyond the printed or manuscript page into the world of the domestic and everyday. This was a circulation which scholars suspected but which it was difficult to demonstrate. Warde's association later in life with prominent supporters of the English church such as Francis Russell and Lord Burghley also enables us to interpret the inscription as a sign of the Warde family's

sympathy with reforming Protestant ideals. Lastly, stoneware drinking vessels with hallmarked mounts dating from the 1550s were extremely rare and the mounts on the tankard in question, marked for London 1550-51, were the earliest known. Warde's mounted tankard was therefore an exceptional piece of evidence to demonstrate the spread of a courtly fashion to a middle class domestic sphere.

The applicant did not agree that the tankard met the Waverley criteria. They stated that the piece was a personal possession and played no part in Warde's work either as a physician or as a translator, and that the provenance of the tankard was unknown until the late 19th century when it belonged to the judge Henry Hawkins, 1st Baron Brampton (1817-1909). It was exhibited in 1929 and had not been seen since it was sold at Christie's in 1945. The applicant had stated that whilst it was relatively rare to know the early provenance of such mounted Rhenishware tankards, there was an example of a similar mounted object in a UK public collection with an identified early provenance. Furthermore, the Rhenishware pottery body of this tankard was the more usual type found on many mounted tankards of the mid-16th century, and that silver-mounted vessels with bodies constructed from rarer materials with greater aesthetic appeal existed in UK public collections.

We heard this case in May 2010 when the tankard was shown to us. We found that it met the third Waverley criterion. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £179,787.50 (inclusive of VAT on the buyer's premium). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the tankard, the deferral period should be extended by a further three months.

At the end of the initial deferral period, no offer to purchase the tankard had been made and we were not aware of any serious intention to raise funds. An export licence was therefore issued.

Case 3

A relief of Ugolino imprisoned with his sons and grandsons by Pierino da Vinci

This relief by Pierino da Vinci (c.1529-1553) is made of bronze and measures 64.5 x 46 cm. It was made c. 1549 and depicts a scene from Dante's *Inferno* which recounts the story of how the Florentine Count Ugolino della Gherardesca and his sons were imprisoned in a tower

and left to starve by the Pisans. According to Dante before dying Ugolino's children begged him to eat their bodies and thus the Florentine is sometimes referred to as 'The Cannibal Count'.

The applicant had applied to export the relief to Liechtenstein. The value shown on the export licence application was £10,000,000, which represented the price at which the present owner had agreed to sell.

The relevant Senior Curator of Sculpture at the Victoria and Albert Museum, acting as expert adviser, had objected to the export of the relief under the first, second and third Waverley criteria on the grounds that it was so closely connected with our history and national life that its departure would be a misfortune, that it was of outstanding aesthetic importance and that it was of outstanding significance for the study of the patronage, making and collecting of sculpture.

The expert adviser stated that this work by Leonardo da Vinci's gifted but short-lived nephew, one of the most talented sculptors of the first half of the 16th century, had been identified as the first known individual scene from Dante's *Divina Commedia* to have been illustrated. Giorgio Vasari, who described the relief in detail in his *Life of Pierino*, recounted that it was made circa 1549 for Luca Martini dell'Ala, who was then in Pisa in the service of Cosimo I de' Medici, Duke of Florence. Subsequently attributed to Michelangelo, the relief was thought to have been brought to England before 1719 by the painter Henry Trench (c.1685-1726) and was probably sold to Richard Boyle, 3rd Earl of Burlington. It would then have entered the Devonshire collection in 1764 through his daughter's inheritance and marriage to William Cavendish, 4th Duke of Devonshire. It had therefore formed part of two of Britain's most important collections.

The expert adviser also pointed out that recently, when the item had been removed from the plinth into which it had been set, a cartouche with the Martini arms cast on the reverse of the relief had been revealed, thereby confirming its origin as described by Vasari and providing additional insight into 16th century bronze casting.

Its recent rediscovery as the 'lost' Pierino had, the expert adviser added, prompted considerable interest and study. The relief loomed large in Pierino's small oeuvre and given its place in collecting history, together with the existence of key related works at Oxford (two anonymous drawings, a wax relief and a terracotta relief, all showing Ugolino and his sons) the bronze was of great significance to the study of Renaissance art in British collections. In terms of Pierino and bronzes, this relief was to their knowledge, unique and the addition of arms on the back added a further dimension to its rarity.

The applicant did not disagree that the relief met the Waverley criteria.

We heard this case in May 2010 when the relief was shown to us. We found that it met the second and third Waverley criteria and recommended that it should be starred, meaning that every possible effort should be made to raise funds to retain it in the United Kingdom. We considered the owner's omission to give the requested three months' notice to sell the relief to MLA and although we would normally recommend that an additional three months should be added on to the initial deferral period having regard to the reasons for the omission on this occasion we recommended that an additional three months beyond what would normally be sought should be added to the second deferral period. We therefore recommended that the decision on the export licence application should be deferred for an initial period of three months to allow an offer to purchase to be made at the fair matching price of £10,000,000. We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the relief, the deferral period should be extended by a further nine months.

At the end of the initial deferral period, no offer to purchase the relief had been made and we were not aware of any serious intention to raise funds. An export licence was therefore issued.

Case 4

A zodiac settle by William Burges

This wooden settle which is painted, stencilled, gilded and inlaid with glass, crystal and slips of vellum, measures approximately 183 x 183 cm. It was designed by William Burges (1827-1881) and the zodiac panel was painted in 1870 by Henry Stacy Marks (1829-1898). It bears the inscription, 'BURGES ARCHITECTUS ME FIERI FECIT ANNO SALUTIS MDCCCLXIX AUTEM ME DEPINCI FECIT APRILIS SALUTIS MDCCCLXX' (Burges the Architect had me made in the year of salvation 1869 however he had me painted in April of the year of salvation 1870).

The applicant had applied to export the settle to the USA. The value shown on the export licence application was £800,000, which represented the sale price the owner had agreed with their buyer.

The Keeper of Furniture, Textiles and Fashion at the Victoria and Albert Museum, acting as expert adviser, had objected to the export of the settle under the first, second and third Waverley criteria on the grounds that it was so closely connected with our history and national life that its departure would be a misfortune, that it was of outstanding

aesthetic importance and that it was of outstanding significance for the study of the work of Burges, the medieval revival in 19th century Britain and the revival of interest in Victorian art and architecture in 20th century Britain.

William Burges was one of the most distinguished architects of the Victorian period. Like his hero A.W.N. Pugin, he was a designer of astonishing ability and energy, involved not only in architecture but also in interior design and the design of furniture, textiles, jewellery, ecclesiastical and domestic plate and stained glass. His elaborate furniture, much of which was painted, was conceived as part of colourful decorative and iconographic interior design schemes and was based on his study of medieval precedents. Henry Stacy Marks and Burges met at Leigh's Drawing School (later Heatherly's) in Newman Street, probably in the late 1850s, and Marks provided painted decoration for numerous examples of Burges' furniture. Marks' main panel shows Sol on a throne in the centre, with the signs of the zodiac dancing on either side. The two smaller panels on either side show the planets as musicians and the lower panels depict St. Cecilia and another female figure below flowering stems.

The expert adviser stated that the settle was designed by Burges for his own use in his second floor rooms at 15 Buckingham Street, Strand, London, and presumably moved to Tower House, Melbury Road, Kensington, the home he built for himself towards the end of his life, in or after 1878 when Burges occupied it. The settle was placed opposite the windows in the drawing room in Tower House and remained there, descending in the family of R.P. Pullan, Burges's brother-in-law, and was later owned by Col. T.H. Minshall, Col. E.R. B. Graham, and John Betjeman who removed it and gave it to Evelyn Waugh.

The expert adviser considered that the settle was a particularly idiosyncratic example of Burges' genius in reinterpreting medieval forms and decoration for his furniture. Rather than taking French Gothic as its inspiration, as much of his furniture did, it combined influences from Italian Renaissance and English Gothic sources. The box-like base, fitted with a lid, and the high back with painted panels of figurative and ornamental decoration suggested the form of the lettuccio or day bed, a prominent piece of Italian Renaissance domestic furniture. In the settle Burges had combined the lettuccio with a castellated top supported on columns, the details of these taken from medieval prototypes. The underside of the top was decorated with applied and painted motifs drawn from his work on the decorated ceilings of the medieval Palace of Westminster. The surviving examples of medieval furniture in Westminster Abbey also inspired his use of the gilded,

inlaid, and painted figurative and ornamental decoration on the settle.

The settle, the expert adviser added, represented an early example of Burges' desire to furnish his home with medieval furniture which "would be covered with paintings, both ornaments and subjects; it not only did its duty as furniture, but spoke and told a story" (W. Burges, *Art Applied to Industry*, 1865, p.71). Experimental in form and design, the settle was not a design repeated by Burges for other commissions. As an original object it was important for the study of one of the most significant architects of the mid-19th century. It was also significant for the study of the Victorian revival, personified by two prominent literary figures who were former owners of the settle, Evelyn Waugh and John Betjeman, the latter of whom was one of the founding members of the Victorian Society. Finally, the settle assumed great importance in the context of Tower House which was built by Burges for his own use and was one of the most important architect's houses of the 19th century. Burges himself described it as 'a model residence of the 13th century'. The house was a tour-de-force of symbolic painted interiors and furniture. It had been little altered and most of the important painted interiors survived as did many of the pieces designed by Burges specifically for the house or moved there from Buckingham Street which were held either in public or private UK collections and there was a genuine possibility that one day Tower House would be opened to the public.

The applicant had stated in a written submission that they agreed that the settle met the second Waverley criterion but did not feel it met the first. With regard to the third Waverley criterion whilst they accepted that the settle was a significant example of Burges furniture, they questioned whether it really added much to what could already be studied from examples currently in Welsh and English collections. At the hearing the applicant emphasised that considering the holdings of Burges furniture already in UK public collections, much more could be gained in comparison were the settle to form part of a foreign collection where examples of Burges furniture were lacking.

We heard this case in June 2010 when the settle was shown to us. We found that it met the second and third Waverley criteria. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £800,000. We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the settle, the deferral period should be extended by a further four months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the settle by the Cecil Higgins Art Gallery and Bedford Museum. A decision on the export licence application was deferred for a further four months. We were subsequently informed that the settle had been purchased by the Cecil Higgins Art Gallery and Bedford Museum with assistance from the National Heritage Memorial Fund, The Art Fund and the Trustees of the Cecil Higgins Art Gallery.

Case 5

An early 19th century regulator by John Roger Arnold

The longcase regulator is made from mahogany, brass and steel and dates from c.1804. It was made by John Roger Arnold (1769-1843) and measures 193 cm in height.

The applicant had applied to export the regulator to the USA. The value shown on the export licence application was £100,000, which represented the price at which the present owner had bought the regulator through a private sale.

The Curator of Horology, Prehistory & Europe at the British Museum, acting as expert adviser, had objected to the export of the regulator under the first and third Waverley criteria on the grounds that it was so closely connected with our history and national life that its departure would be a misfortune and that it was of outstanding significance to the study of horology in the United Kingdom.

The expert had provided a written submission stating that the regulator was important because it was intimately connected with the life of one of Britain's most recognised and celebrated chronometer making businesses and with the history of precision timekeeping in the United Kingdom. For centuries, from as early as the 1660s to the introduction of quartz technology in the post World War II era, Britain led the world in the field of precision horology. During the 18th and 19th centuries, London makers were at the forefront of the field, pioneering new inventions and achieving ever more precise measurements of time. The Arnold workshop, founded by John Arnold (1736-1799) who passed it to his son John Roger Arnold (1769-1843) ranked amongst the most celebrated makers in the field and was in the vanguard of those manufacturing and supplying the finest and most precise machines during this period. The Arnold business had a history of providing regulators of the highest quality to observatories, perhaps the most celebrated examples being two regulators commissioned from John Arnold Senior in April 1772 for the Royal Observatory, Greenwich. Their regulators, used as a standard for regulating other timepieces or for timing astronomical observations, played a central role in the

development of precision timekeeping providing accurate timekeeping in relation to astronomy, navigation and surveying. The provenance of this particular regulator suggested that it might have been retained and used by the Arnold workshop. The expert adviser told us that the regulator incorporated several more or less unique elements including a zinc/iron pendulum, in original condition, which constituted a rare piece of horological technology that was worthy of further study.

The applicant disagreed that the regulator met the Waverley criteria. The applicant had stated in a written submission that whilst clearly made in the workshop of John Roger Arnold, the inside of the great wheel was signed 'W.F. Rattray Fecit 1804'. The date of manufacture therefore discounted the supposition contained within the auction catalogue for the previous sale of the item [Bonhams, London Sale Rooms, Fine Clocks and Barometers, 15th December 2009, lot 132] which suggested that John Roger Arnold had inherited the regulator upon the death of his father, however, the regulator could not be 'intimately' connected to John Arnold Senior as he was dead by the time of its manufacture. The applicant argued that there was no evidence to suggest that this particular example had been used as John Roger Arnold's workshop regulator. Finally, the regulator was not, in the applicant's opinion, exceptional or unique and there were extant regulators from this period of higher quality in the UK and available for study.

We heard this case in July 2010 when the regulator was shown to us. We found that it met the first and third Waverley criteria. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £100,000 (net of VAT). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the regulator, the deferral period should be extended by a further three months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the regulator by a UK institution. Before the end of the first deferral period the applicant withdrew their application and the regulator remains in the UK.

Case 6

A George I silver seal salver with the mark of Paul de Lamerie

The rectangular salver made for Sir Joseph Jekyll, Chief Justice of the County Palatine of Chester 1697-1717 is

engraved with the 1708 Judicial Seal of Queen Anne for the Counties of Denbigh Montgomery and Flint and also bears the inscription, 'SEALS OF THE COUNTY PALATINE OF CHESTER./SIR JOSEPH JEKYLL KN.T CHIEF JUSTICE'. It bears the marks of London goldsmith Paul de Lamerie and the date letters for 1721-2. It measures 32.4 cm by 23.8 cm by 3.5 cm and weighs 1,225g.

The applicant had applied to export the salver to Ireland. The value shown on the export licence application was £160,000, which represented the price at which the present owner had bought the salver.

The Deputy Keeper of Sculpture, Metalwork, Ceramics and Glass at the Victoria and Albert Museum, acting as expert adviser, had objected to the export of the salver under the first, second and third Waverley criteria on the grounds that it was so closely connected with our history and national life that its departure would be a misfortune, that it was of outstanding aesthetic importance and that it was of outstanding significance for the study of the British tradition of converting of obsolete matrices into silver plate which dated back to the 16th century.

The expert adviser said that Paul de Lamerie (1688-1751) was widely recognised as England's greatest 18th century silversmith. His parents settled in the Soho area of London when he was a small child and formed part of the community of Huguenot refugee craftsmen established in London's West End. He was apprenticed to fellow Huguenot goldsmith Pierre Platel, whose premises were in Pall Mall close to the Court. Paul de Lamerie's success lay in his own exceptional creativity in producing some astonishingly spectacular silver and in his ability as a businessman to sub-contract to the best available suppliers. The expert adviser told us that while there were 13 documented seal salvers in the UK this was the only rectangular example and one of only two such salvers marked by Paul de Lamerie, the other having been made for Britain's first Prime Minister, Sir Robert Walpole, in 1727-8 and which was in the V&A. The engraving on the seal salver was in a style associated with Ellis Gamble, with whom Paul de Lamerie entered into a business partnership from 1723-1728. It was likely that the engraving was subcontracted to Gamble who delegated the task to a member of his workshop which in 1721 still included the young William Hogarth who was completing his apprenticeship in that year.

The expert adviser stated that the seal salver was commissioned by Sir Joseph Jekyll after his resignation from the office of Chief Justice of the County Palatinate of Chester, which was of great significance in the legal and social structure of the county town of Cheshire and of the neighbouring Welsh counties of Denbigh, Montgomery and Flint. Finally, the unusual rectangular form of the salver

suggested that it was commissioned for display and may have been shown in Sir Joseph Jekyll's new office as Master of the Rolls, to which he was appointed in 1717, as evidence for his high legal standing. He evidently regarded the salver as an heirloom for his descendants and it may subsequently have been displayed in the family home as such.

The applicant did not disagree that the salver met the Waverley criteria.

We heard this case in September 2010 when the salver was shown to us. We found that the salver did not satisfy any of the Waverley criteria. An export licence was therefore issued.

Case 7

The papers of George Augustus Selwyn

Papers of George Augustus Selwyn (1809–1878), bishop of New Zealand and bishop of Lichfield, consisting of family papers and further documents relating to his career in New Zealand and at Lichfield. The collection consists of one large box, containing circa 25 folders plus other related material. Individual documents are generally in good condition, apart from minor and expected wear and tear.

The applicant had applied to export the papers to New Zealand. The value shown on the export licence application was £20,000, which represented the price at which the owner purchased the papers by private sale.

The Curator of Modern Historical Papers at The British Library, acting as expert adviser, had objected to the export of the papers under the third Waverley criterion on the grounds that they were of outstanding significance for the study of the history of the colonial Church and of the worldwide Anglican Communion.

The expert had provided a written submission stating that the papers had substantial importance as a record of the life and career of Selwyn who through his roles in New Zealand and Lichfield became a key figure in the development of the 19th century Anglican Communion. Selwyn's acceptance in 1841 of the role of Bishop of New Zealand, a newly established British colony, placed him at the forefront of Victorian attempts to promote Christianity in the British Empire. He pioneered the development of the Anglican Church in New Zealand, including carrying out a full survey of the diocese over several years and establishing a structure which allowed for the involvement of the laity in decision making. He worked to convert the Maori population to Christianity, learning to speak Maori and encouraging Anglican clergy to do the same, and also championed Maori land rights. In 1857 Selwyn wrote

a draft constitution for the Church of New Zealand, which was adopted at the first general synod of 1859. This eventually led to the separation of church and state in New Zealand and became a model for other colonial churches. At the first Lambeth conference in 1867 Selwyn played a central role in supporting the right of colonial churches to self governance within the Anglican Communion, and later in life as Bishop of Lichfield reformed the governance of the Cathedral and developed its mission within the local community.

Of particular note was Selwyn's visit to North America in the early 1870s where he played an active part in fostering closer links with Anglican communities on the other side of the Atlantic. There were a number of significant items from this period, including a series of letters from Anglican clergy in the USA and elsewhere discussing Selwyn's proposal for a joint declaration on the 1871 Vatican decrees on papal infallibility. This was an important episode in the history of the Victorian Church's relationship with Rome, and the correspondence showed Selwyn as a central figure in attempting to formulate an Anglican response. Although the papers had been used by scholars from time to time they had not been generally available and their contents were not well known. The expert adviser told us they formed an integral part of the archive of Bishop Selwyn, of which other known sections were held in public institutions in the UK and New Zealand. Selwyn had been the subject of a number of biographical studies and his life was likely to remain a subject of considerable interest for historians in the future.

The applicant disagreed that the papers met the Waverley criteria. The applicant had stated in a written submission that there was a very robust case for regarding Selwyn's influence and impact in New Zealand as being greater than that in the UK. As Bishop of New Zealand, Selwyn took up the newly created Anglican bishopric in New Zealand in 1841, a year after the signing of New Zealand's founding document, the Treaty of Waitangi. He remained in New Zealand for 27 years until 1868 and during this time led the establishment of the Anglican Church in New Zealand and the Pacific; playing a key role in reducing tensions between Maori and European settlers. His energy, ability and contacts made him a very influential figure in the history of New Zealand in its formative years as a nation. Selwyn studies were very much alive in New Zealand, and as many of the documents related to early colonial New Zealand and the establishment of the Anglican Church in New Zealand, they would lend greatly to further study and the history of the country as a nation. The applicant illustrated how the papers had passed down through the family from George Augustus Selwyn and how all but those under question and a group at Selwyn College, Cambridge

were now in New Zealand public collections. The applicant argued that the amount to be learnt from reuniting the papers with those already in New Zealand far outweighed that than if they were held separately.

We heard this case in September 2010 when the papers were shown to us.

We found that the papers did not satisfy any of the Waverley criteria. An export licence was therefore issued.

Case 8

A watercolour by Joseph Mallord William Turner, *Virginia Water*

The watercolour, with scratching out on paper, by Turner (1775-1851) dates from c.1828-9 and measures 29.8 x 44.7 cm. *Virginia Water* depicts the lake seen from the east looking towards the Chinese Pavilion, on which a barge flying the Royal Standard is being towed by a smaller rowing boat.

The applicant had applied to export the watercolour to Switzerland. The value shown on the export licence application was £900,938, which represented the hammer price at auction plus buyer's premium and VAT on the buyer's premium.

The Curator of 18th and 19th century British art at the Tate, acting as expert adviser, had objected to the export of the painting under the first and third Waverley criteria on the grounds that it was so closely connected with our history and national life that its departure would be a misfortune and that it was of outstanding significance for the study of the history of the patronage of Turner and the history of design and image reproduction.

The expert had provided a written submission stating that the watercolour's connection to our history and national life lay in its depiction of a royal fishing expedition aboard a barge on *Virginia Water* near Windsor Castle, with the presence of George IV indicated by the Royal Standard. The presence of a buoy decorated with the Cross of St George further indicated St George's Day, 23 April, the official birthday of the King and also Turner's birthday. In addition, there was a likelihood that Turner offered the work to the King for the Royal Collection.

The watercolour was one of two painted by Turner in the late 1820s which were engraved for *The Keepsake* annual in 1830. Evidently conceived as a pair, both watercolours depicted the lake with mallards in flight and the Chinese Pavilion (demolished in 1936). The expert adviser told us that mallards were Turner's metaphorical signature, suggested by his name 'Mallord', but in these compositions they suggested an ambivalent, or perhaps ironic or humorous relationship to

the monarch whose presence, estates, property, interests and taste were otherwise represented in respectful or flattering terms. Both watercolours, according to tradition, were offered to the King, reportedly for 80 guineas, but rejected by him, leading one to wonder whether Turner added the birds afterwards, prior to the exhibition or perhaps when engraved for *The Keepsake*. Of the two watercolours, only the present one was known to have survived. The other, which was exhibited at the Royal Academy in 1886, was recorded in the engraving by Robert Wallis. The royal narrative of both watercolours was what set them apart from other similar works.

The applicant disagreed that the painting met the Waverley criteria. The applicant stated that the sketches for the watercolour were available for public view in the Kenilworth Sketchbook (Tate, Turner Bequest), and that there was also an enamel copy of the watercolour by Henry Bone R. A. dating from 1827-29 (Royal Collection, Windsor) as well as many other topographical views of the 1820s which Turner produced throughout his life and which were available for view in public institutions. They considered that there were many other finer watercolours of the same date, both in terms of technical accomplishment and impact, already in British museums. They contested the notion that it would be of benefit for study, arguing instead that the work had been widely represented in sketched and engraved form and that there were many specific royal commissions of the park by other artists of note.

We heard this case in October 2010 when the painting was shown to us. We found that the watercolour did not satisfy any of the Waverley criteria. An export licence was therefore issued.

Case 9

A painting by Joseph Mallord William Turner, *Modern Rome – Campo Vaccino*

The painting is oil on canvas and measures 90.2 x 122 cm. It was exhibited at the Royal Academy in 1839 and depicts a panorama of Rome from the Capitoline Hill, across the Forum and towards the ruins of the Coliseum and beyond.

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £29,721,250, which represented the hammer price at auction plus buyer's premium.

The Curator of 18th and 19th century British art at the Tate, acting as expert adviser, had objected to the export of the painting under the first, second and third Waverley criteria on the grounds that it was so closely connected

with our history and national life that its departure would be a misfortune; that it was of outstanding aesthetic importance; and that it was of outstanding significance for the study of Turner, the British enthusiasm for Italy in general and Rome in particular, and also for the study of the relationship between painting and poetry, in this case Byron, explored by Turner and the Romantic generation.

The expert adviser had provided a written submission stating that *Modern Rome* marked the climax, and in its subject matter the conclusion, of Turner's portrayal of the Eternal City in which the merging of past and present and the affection for the Mediterranean tradition and climate came to rest at its very centre, the Roman Forum. As an image of Rome, the painting's historical and cultural continuum from antiquity to present both summarised and advanced the experiences of generations of British Grand Tourists and painters. It was a realisation of the poetry of Byron expressing similar, complementary sentiments, and was a pair to a painting of ancient Rome already in national ownership (Tate, Turner Bequest). It had only been in two private collections since it was painted and had been on long-term loan to the National Gallery of Scotland where it had played a vital part in the displays of Romantic and 19th century painting.

It was the last work in oil (or indeed in any media) to emerge from Turner's long fascination with the city. The magisterial panorama of architecture and the dazzling rendering of Italian light and atmosphere links to Turner's other, contrasted views of Italy. The scene shows the contemporary inhabitants of 19th century Rome among the antique ruins and brings together past and present, the grand and the common, the sacred and profane.

The applicant disagreed that the painting met the first and third Waverley criteria stating that although it had been exhibited several times it was not illustrated in Turner literature until the 1970s and had remained in two private collections, out of London and the public domain, for most of its existence. It therefore could have had little, if any, influence on British art, history or even art history as a whole. The applicant agreed that the painting met the second Waverley criterion.

We heard this case in October 2010 when the painting was shown to us. We found that it met the first, second and third Waverley criteria and recommended that it should be starred, meaning that every possible effort should be made to raise funds to retain it in the United Kingdom. We recommended that the decision on the export licence application should be deferred for an initial period of three months to allow an offer to purchase to be made at the fair matching price of £30,284,968.75 (inclusive of VAT on the buyer's premium). We further recommended that if, by the end of the initial

deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the painting, the deferral period should be extended by a further six months.

At the end of the initial deferral period we had not been made aware of any serious intention by a UK institution to raise funds to make an offer to purchase the painting. Although a representative on behalf of a potential private purchaser had expressed interest in making an offer under the 'Ridley' rules no such offer was received before the end of the initial deferral period. An export licence was therefore issued.

Case 10

A painting by Jan de Bray, *David and the Return of the Ark of the Covenant*

This painting by Jan de Bray (1626/7-1697) dates from 1670. It is oil on canvas and measures 142 x 154 cm. It represents King David escorting the Ark of the Covenant (viewed framed in the archway at left) back to Jerusalem after having recovered it from the Philistines. David wears a plain white liturgical gown, as described in II Samuel 6:14-15 and plays the harp in celebration; around him is evidence of great, solemn rejoicing, including a blast of trumpets at right.

The applicant had applied to export the painting to Germany. The value shown on the export licence application was £1,584,040, which represented the agreed sale price. This had originally been agreed in euros (€1,850,000) and had been converted into sterling on the date the application was made.

The Curator of Dutch Painting at The National Gallery, acting as expert adviser, had objected to the export of the painting under the second and third Waverley criteria on the grounds that it was of outstanding aesthetic importance and that it was of outstanding significance for the study of 17th century Dutch history painting.

The expert adviser said that Jan de Bray was one of the leading practitioners of the classicist style in Haarlem during the 17th century; his approach to subject matter was innovative, dynamic and highly personal. De Bray's work was not common in the UK and this picture was considered to be a particularly fine example produced by an artist at the height of his powers. Moreover, it represented two important themes in Dutch painting of the 17th century – large-figured history pieces and the classical tradition – which were simply not well represented in public collections in the UK.

The expert adviser stated that Jan de Bray's *David and the Return of the Ark of the Covenant* was a rare depiction of an unusual subject, an exemplary work by an accomplished

master and a uniquely compelling example of Dutch classicism. With strong, fluid brushwork, an innate feel for dramatic composition and fluency in the classical language of rhetorical gestures and expressions, de Bray had combined classical decorum with a humanity that was characteristically Dutch. *David and the Return of the Ark of the Covenant* exemplified the persistence of a classical tradition in the North and the drive to adapt those formal ideals to suit a Netherlandish devotion to plausible realism and the direct observation of nature.

The applicant did not consider that the painting met the Waverley criteria. In their written submission they said that it was of significant aesthetic importance within the context of de Bray's work but that it was questionable as to whether the painting could be considered outstanding in the context of the nation's holdings of Dutch Old Master paintings. Whilst they agreed that it was of some importance to the study of Dutch history painting it was debatable whether it was of outstanding significance as required to meet the Waverley criteria.

We heard this case in October 2010 when the painting was shown to us. We found that it met the third Waverley criterion. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £1,622,260.13 (inclusive of VAT). This represented a recalculation of the agreed sale value in euros as at the date when this case was heard by us. We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the painting, the deferral period should be extended by a further three months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the painting by a UK institution. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the institution was unable to raise the funds to purchase the painting and an export licence was therefore issued.

Case 11

The great silver wine cistern of Thomas Wentworth

The silver cistern which is oval, weighs 2597 ounces 15 dwt and is 129.5 cm wide, 83 cm high and 83 cm deep, was commissioned by Thomas Wentworth (1672-1739), Ambassador Extraordinary to the King of Prussia at Berlin, 1706-1711. It was made by Philip Rollos Senior, assisted by his son, Philip Rollos Junior and his brother John Rollos,

in circa 1705-06 and bears the Royal arms and cipher of Queen Anne (the engraving attributed to John Rollos).

The applicant had applied to export the cistern to Hong Kong. The value shown on the export licence application was £2,558,668.75, which represented the hammer price at auction plus buyer's premium and VAT on the buyer's premium.

The Deputy Keeper of Sculpture, Metalwork, Ceramics and Glass at the Victoria and Albert Museum, acting as expert adviser, had objected to the export of the cistern under the first, second and third Waverley criteria on the grounds that it was so closely connected with our history and national life that its departure would be a misfortune, that it was of outstanding aesthetic importance and that it was of outstanding significance for the study of the manufacture and production of large-scale silver, its symbolic purpose as reflecting official and personal status and its practical function in chilling and serving wine.

The expert adviser explained that for more than two hundred years, departing British ambassadors left home equipped with several thousand ounces of silver and silver-gilt in order to entertain in their embassy in a style worthy of the sovereign they represented. The fashioning of this silver was usually left to the diplomat's personal taste and, from the accession of William and Mary to the Prince Regent, the recipient could expect to keep his allocation after his mission was accomplished. Ambassadors thus had an incentive to choose well. In 1701 Thomas Wentworth, 3rd Baron Raby, was sent to Berlin to congratulate the Elector Frederick III of Brandenburg on becoming Frederick I of Prussia. Raby was sent back to Berlin in 1703 as Envoy and in 1706 as Ambassador-Extraordinary to Brandenburg-Prussia where he served until April 1711, at which time he became the Earl of Strafford. In 1701 Raby would have seen the Berlin Buffet, created between 1695-1698 by leading Augsburg goldsmiths for Elector Frederick II of Brandenburg, displayed in the Knights' Chamber of the Berlin Stadtschloss and this must have inspired his insistence on the largest possible wine cistern to emphasize his ambassadorial status at the Berlin court. The expert adviser said that the cistern, which would have been displayed at the British Embassy in Berlin, was of the highest aesthetic quality both in design and proportion, and in the execution of the cast figurative elements and contemporary engraving. Its proportions were carefully calculated to balance the substantial weight (it had the capacity to contain over 20 gallons) with the elegance of the applied decoration. It was the largest example of the three large surviving cisterns for cooling wine bottles which were made for ambassadorial use and one of only two ambassadorial examples to retain its original engraving of the Royal arms. There were only eight other surviving large

silver cisterns intended for cooling wine bottles recorded in this country. The cistern had been unseen for three hundred years having remained in private collections and never loaned to a public exhibition since it was commissioned. This along with the remarkable survival of correspondence between Lord and Lady Strafford in the British Library and the evidence of the official Jewel House accounts in the National Archives, made the cistern the best documented example as well as the largest surviving piece of ambassadorial plate in the country.

The expert adviser added that the cistern's maker, Philip Rollos Senior, was one of the finest immigrant goldsmiths working in London in the late 17th and early 18th centuries. Rollos became a member of Livery of Goldsmiths' Company in 1698 and held the appointment of subordinate goldsmith to the Jewel Office under William III and Queen Anne. The Raby cistern belonged to a generation of large wine cisterns dating from 1701-1729 and was the second largest to survive. It was significant that the two largest examples were marked by the Rollos workshop. The sheer size demonstrated the mastery achieved by the Rollos family craftsmen. The Raby cistern had remained in its original condition over three hundred years after it was made.

The applicant did not disagree that the cistern met the Waverley criteria.

We heard this case in October 2010 when the cistern was shown to us. We found that it met the second and third Waverley criteria and that it should be awarded a starred rating, meaning that every possible effort should be made to raise enough money to keep it in the United Kingdom. We recommended that the decision on the export licence application should be deferred for an initial period of three months to allow an offer to purchase to be made at the fair matching price of £2,558,668.75 (inclusive of VAT on the buyer's premium). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the cistern, the deferral period should be extended by a further four months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the cistern by Temple Newsam (Leeds Museums and Galleries). A decision on the export licence application was deferred for a further four months. We were subsequently informed that the cistern had been purchased by Temple Newsam (Leeds Museums and Galleries) with assistance from The Art Fund, The National Heritage Memorial Fund, The Monument Fund, The J Paul Getty Junior Trust, Leeds Art Collections Fund, the Fulford Bequest Fund, the Jacob Rothschild Foundation, The Goldsmiths Company and Leeds City Council (Museums and Galleries Acquisitions Fund).

Case 12

A painting by Hans Wertinger, *A Jousting Scene in the town square at Landshut*

This painting by Hans Wertinger (c. 1465/70-1533) is oil on panel and measures 33.5 x 16.25 cm. It was painted circa 1525-26 and depicts a courtly joust in the town of Landshut in Germany. The frame features the crown and coat of arms of King Charles II of Spain (1716-88).

The applicant had applied to export the painting to Germany. The value shown on the export licence application was £275,017 which represented the agreed sale price. This had originally been agreed in Euros (€320,000) and had been converted into sterling on the date the application was made.

The Director and Deputy Director of the National Gallery acting as expert advisers, had objected to the export of the painting under the second and third Waverley criteria on the grounds that it was of outstanding aesthetic importance and that it was of outstanding significance for the study of German Renaissance painting particularly of Hans Wertinger and the history of townscape painting.

The expert advisers informed us that Wertinger was born in Landshut in Bavaria and had spent most of his career working as a court painter for the Dukes of Landshut. His work was immensely varied but his most characteristic and attractive works were those portraying the months of the year or the seasons. There were only two works by him in UK collections, one a landscape, *Summer*, acquired by the National Gallery in 1997; the other a portrait in the Victoria and Albert Museum.

The expert advisers said that this unpublished townscape was a new and highly important addition to Wertinger's oeuvre. They considered that it was of particular interest in its representation of the town of Landshut and probably unique in its very early depiction of the town monuments. It was also unusual in the inclusion of the putative portraits of two of Wertinger's patrons, Duke Ludwig X (1495-1545) and Wilhelm IV, ruler of Bavaria (1493-1550). In its combination of aristocratic activity and urban topography this painting, they said, offered important insights into the court culture of Germany in the 16th century. It also represented an important and hitherto unknown aspect of Wertinger's art of landscape depiction.

The expert advisers informed us that *A Jousting Scene* had once belonged to the eminent British collector Sir William Stirling-Maxwell (1818-78) who had probably acquired it in Spain. It was significant in the illumination of his collecting activities and in the collecting of German paintings in Britain in the 19th century, a relatively rare interest.

The applicant did not consider that the painting met the Waverley criteria.

We heard this case in October 2010 when the painting was shown to us.

We were not persuaded that the painting was sufficiently outstanding and found that it did not meet the Waverley criteria. An export licence was therefore issued.

Case 13

A lacquered Imari porcelain garniture

This five-piece lacquered porcelain garniture is in the style known as Imari ware. It comprises three oviform vases with domed covers each 90 cm high and two trumpet vases each 62 cm high. The vases are decorated in a matching design at front and back with panels of black lacquer with gold *hiramaki-e* ('flat sprinkled picture') designs of peonies and chrysanthemums. Within the lacquered panels, fan-shaped cartouches are left unlacquered to reveal designs of Japanese temple buildings among spring cherry blossom and autumn maple leaves executed in underglaze blue, overglaze enamel and gold. The remaining areas are decorated with black lacquer inlaid with pearl shell. The garniture was made in Arita, Japan, in the late 17th to early 18th century and was owned by the Spencer family at Althorp prior to its sale.

The applicant had applied to export the garniture to Dubai. The value shown on the export licence application was £109,250, which represented the hammer price at auction plus buyer's premium.

The Senior Curator in the Asian Department of the Victoria and Albert Museum acting as expert adviser, in consultation with the Assistant Keeper of Japanese Art at the Ashmolean Museum in Oxford, had objected to the export of the garniture under the first, second and third Waverley criteria on the grounds that it was so closely connected with our history and national life that its departure would be a misfortune, that it was of outstanding aesthetic importance and that it was of outstanding significance for the study of Japanese lacquer and porcelain production, for the study of the history of trade between Japan and Europe, and for the study of the consumption of luxury items in Britain.

The expert advisers informed us that the garniture was closely associated with Althorp House and the Spencer family to the extent of possibly being the 'five China Jars and Covers' recorded in the Picture Gallery there in Benjamin Goodison's inventory of 1746, compiled two years after the death of Sarah, 1st Duchess of Marlborough (1660-1744), a wealthy and influential woman and important 18th century art collector.

They said that this garniture was among the largest and most spectacular of all known examples of Imari ware porcelain made in Arita in western Japan and shipped to Europe by the Dutch East India Company from their factory on the island of Dejima in Nagasaki Bay. The decoration on them was extremely unusual for the way in which large parts of the vases' surfaces were covered in black lacquer with mother-of-pearl and gold *hiramaki-e* decoration. Porcelain and lacquer were among the most highly sought after of Japanese commodities in 17th and 18th century Europe. Having the two combined as in this garniture represented the very pinnacle of extravagance. It would have been an extremely expensive, luxury item.

While there were many Imari-style porcelain garnitures in the UK the expert advisers were not aware of any lacquered Imari vases, let alone a complete garniture so this possibly unique survivor was extremely important for the study of Japanese lacquer and porcelain production and the history of trade between Japan and Britain.

The applicant did not consider that the garniture met the Waverley criteria. They did not believe it met the first Waverley criterion on the grounds that there was no conclusive evidence to support a connection to the Duchess of Marlborough. Although they accepted that the garniture was of aesthetic importance they believed that its compromised physical condition as noted on the condition report provided by the applicant (two covers had been broken and subsequently restored with European over-Japaning, there was some wear to the lacquer on the trumpet vases and one of the oviform vases had been broken and extensively repaired with areas of later Japanned in-fill) precluded it from meeting the criterion of 'outstanding'. They claimed that it did not meet the third Waverley criterion because there were other examples of partial lacquering already available for study in UK public collections.

We heard this case in January 2011 when the garniture was shown to us. We found that it met the second and third Waverley criteria. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £109,250 (net of VAT).

We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the garniture, the deferral period should be extended by a further three months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the garniture by the Ashmolean Museum. A decision on the export licence application was deferred for a further three months.

We were subsequently informed that the garniture had been purchased by the Ashmolean Museum with assistance from the Art Fund and the MLA/V&A Purchase Grant Fund.

Case 14

A William IV cabinet on stand made for William Beckford, possibly designed in conjunction with his architect Henry Edmund Goodridge

The oak cabinet on stand, with gilt-bronze mounts, measures 176.5 cm high, 101 cm wide and 50 cm wide. It is raised on an arcaded stand, a side with a glass panel opening as a door and the interior is lined with silk. It is the only known complete survivor of a set of four such cabinets made for William Beckford (1760-1844) for the Scarlet Drawing Room at Lansdown Tower, Bath, between 1831-1841.

The applicant had applied for a licence to export the cabinet to the Netherlands. The value shown on the export licence application was £285,000, which represented the owner's valuation.

The Keeper of Furniture, Textiles and Fashion at the Victoria and Albert Museum, acting as expert adviser, had objected to the export of the cabinet under the second and third Waverley criteria on the grounds that it was of outstanding aesthetic importance and outstanding importance for the study of architectural history, the history of furniture and the history of collecting.

The expert adviser considered that it must have been Beckford, rather than his young architect, Henry Edmund Goodridge (1797-1864), who had provided the inspiration for these idiosyncratic, reliquary-like cabinets. Another cabinet of the four, but without its stand, had come before the Committee in 2004-05 [Case 21] at which time it had not been considered likely that any of the four had survived complete so the discovery of the present cabinet was particularly exciting. He informed us that Lansdown Tower, Bath (built as a retreat from his main house on Lansdown Crescent) was Beckford's last creation and one of the most significant buildings of the 1820s and 1830s. J. Mordaunt Crook had described the Tower as "the one English building [which] above all symbolizes the different strands which make up the Greek Revival... a unique combination of Classic, Romantic, Greek and Italianate, Picturesque and Sublime." The coffer-shaped cabinet on stand embodied just that synthesis which so appealed to Beckford's romantic sensibilities.

William Beckford was one of the most remarkable men of his time. The only son of a fabulously rich sugar planter, he was dubbed "England's wealthiest son" by Byron. William Pitt was his godfather, Mozart taught him the piano and Sir William Chambers and Alexander Cozens were his tutors in architecture and painting. He refurbished his father's Palladian mansion, Fonthill Splendens and subsequently demolished it to build the mock-Gothic Fonthill Abbey where he lived from 1807-1822. This, the most romantic of gothic-revival buildings in Britain, was the architectural creation by which Beckford was best known. In contrast, until recent years, little was known of Beckford's second phase of design activity in Bath, in part because little survived as physical evidence. The design of all the interiors and the furnishings at Lansdown Tower was a project of Beckford's old age, but one that proved the culmination of his creative genius. Since the acquisition of the Tower by Bath Preservation Trust in 1993 and since the 2002 exhibition on Beckford these buildings and interiors had been studied and celebrated once more. The discovery of this cabinet was particularly exciting as it was a rare survival from Beckford's last attempt to realise a final, perfect version of the collector's sanctuary that he had been seeking to create around him throughout his life and provided rare material evidence of the last period of Beckford's creative life, throughout which he continued to commission contemporary furniture to the most scholarly and adventurous designs.

The applicant agreed that the cabinet met the Waverley criteria.

We heard this case in February 2011 when the cabinet was shown to us. We found that it met the second and third Waverley criteria. We accepted that £285,000 represented a fair valuation. We recommended that a decision on the export licence application should be deferred for an initial period of two months to enable an offer to purchase to be made at the fair matching price of £285,000 (net of VAT). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase, the deferral period should be extended by a further three months.

During the initial deferral period we were informed by the Beckford Tower Trust of a serious intention to raise funds with a view to making an offer to purchase the cabinet. A decision on the export licence was deferred for a further three months. We were subsequently informed that the cabinet had been purchased by the Beckford Tower Trust with support from the National Heritage Memorial Fund, the Art Fund, H. Blairman & Sons Ltd and private individuals.

Case 15

A painting by Nicolas Poussin, *Ordination*

The oil on canvas painting by Nicolas Poussin (1594-1665) was painted between 1636-42 and measures 95.9 x 121.6 cm. It depicts St. Peter's ordination, set in a classical landscape, and forms part of Poussin's first set of paintings of the seven Sacraments.

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £15,000,000, which represented the agreed sale price.

The Director of the National Gallery of Scotland acting as expert adviser, had objected to the export of the painting under the first, second and third Waverley criteria on the grounds that it was so closely connected with our history and national life that its departure would be a misfortune, that it was of outstanding aesthetic importance and that it was of outstanding significance for the study of Poussin and the study of the development of Western Art.

The expert adviser had provided a written submission stating that the painting, part of Poussin's first set of seven Sacraments, was brought to the United Kingdom in 1785, having been acquired by the 4th Duke of Rutland through the agency of James Byres. The paintings had subsequently been placed on display in Belvoir Castle and had passed by descent through the family. One painting in the set, *Penance*, was destroyed by fire in 1816. *Baptism* was sold and now belonged to the National Gallery of Art, Washington. The remaining five paintings (including *Ordination*) had recently been displayed at The National Gallery, London.

Shortly after the paintings' arrival in England the President of the Royal Academy, Sir Joshua Reynolds, arranged for them to be exhibited in the Council Room of the Academy, to the delight and admiration of those attending the London social season in 1787. The expert adviser told us that they had formed a major part of the UK's national heritage ever since and a further loss from this remarkable set would be highly regrettable. Remarkably, Poussin's entire second set of the Sacraments, painted for Chantelou, 1644-8, was also in this country, on loan since 1945 from the Bridgewater Collection at the National Gallery of Scotland in Edinburgh.

Painted between 1636-42 for the great scholar and patron of the arts, Cassiano dal Pozzo, these paintings embodied an intellectual curiosity and rigour of approach typical of Poussin, the founder of the classical tradition in French art which stretched from Charles Le Brun in the 17th century to the highly ordered compositions of Cézanne at the end of the 19th century. The expert adviser stated that *Ordination*,

like its companions from the set, was unquestionably of outstanding aesthetic importance and that both sets of Sacraments were discussed at length in all major surveys of French art.

The expert adviser also stated that the first set of Sacraments had long been recognised as one of the most remarkable series of paintings in the history of western art and was of major significance for its study and appreciation. There was no known precedent for Poussin's decision to depict each of the Sacraments in a separate scene and the artist showed remarkable innovation by placing these schemes, by virtue of their costume and settings, within the context of the early Christian church. The series was also of great interest for the study of Christianity itself reflecting the ruling of the Council of Trent of 1563 which stated that there were seven Sacraments in total. Poussin's depictions of these sacred ceremonies represented one of the supreme artistic, intellectual and spiritual achievements in Western art and thought.

The applicant agreed that the painting met the second and third Waverley criteria but disagreed that the painting qualified under the first Waverley criterion.

We heard this case in April 2011 when the painting was shown to us. We found that it met the first, second and third Waverley criteria and recommended that it should be starred, meaning that every possible effort should be made to raise funds to retain it in the United Kingdom. We recommended that the decision on the export licence application should be deferred for an initial period of three months to allow an offer to purchase to be made at the fair matching price of £15,000,000. We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the painting, the deferral period should be extended by a further six months.

At the end of the initial deferral period, no offer to purchase the painting had been made and we were not aware of any serious intention to raise funds. An export licence was therefore issued.

Case 16

A painting by Frans Hals, *Family Portrait in a Landscape*

The painting by Frans Hals (c.1582/3-1666) dates from 1621-22 with Salomon de Bray's portrait of a child added in 1628. It is painted in oil on canvas and measures 151 x 163.6 cm. It depicts an unidentified man and woman seated on the ground, before a thicket of trees and surrounded by seven children.

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £7,750,000, which represented the agreed sale price.

The Curator of Dutch paintings at The National Gallery, acting as expert adviser, had objected to the export of the painting under the second and third Waverley criteria on the grounds that it was of outstanding aesthetic importance and that it was of outstanding significance for the study of Dutch group portraiture of the 17th century.

The expert adviser said that *Family Portrait in a Landscape*, the earliest of Hals' four family portraits, was an important work by one of the most innovative and influential Dutch painters of the 17th century. The painting represented an early example of informal group portraiture that was previously unknown in Netherlandish painting. This was portrayed through the outdoor setting, relaxed poses and unconnected glances between the family members. Hals' group portraits, including his remarkable portrayals of various civic guard companies and governors of Haarlem's charitable institutions, were among the most innovative of their kind and his fluent, unbridled brushstrokes had a profound effect on the painters of the 19th century and beyond.

The picture was also a fascinating and unusual example of the sorts of alterations and modifications which paintings can undergo. In 1628 Hals' Haarlem colleague, Salomon de Bray, added the youngest child depicted in the lower left corner of the painting. It was not uncommon for a later artist to update a portrait by changing costumes or adding or deleting family members as the case arose. In terms of composition and format the painting was originally much broader and included the likenesses of at least three other family members. In 1969, Hals' *Three Children with a Goat Cart*, Musée des Beaux-Arts, Brussels, was identified as the right-hand portion of the painting. Whilst there were many examples of Frans Hals' paintings in public and private collections within the UK, representing the entire span of the artist's career, they were mainly individual portraits. The expert adviser told us that although the painting had been substantially altered since originally painted it also worked well as an individual piece and was one of the earliest examples of informal family portraiture.

The applicant did not agree that the painting met the first Waverley criterion and had stated in a written submission that it might meet the second and third Waverley criteria. However, the picture had been significantly cut down before 1829 and a large part of it was now in the Musée des Beaux-Arts, Brussels. The family group also included an addition painted by Salomon de Bray several years after Frans Hals completed the painting. The applicant proposed these two factors might have a bearing on whether the painting met the Waverley criteria.

We heard this case in April 2011 when the painting was shown to us. We found that it met the third Waverley criterion. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £7,750,000. We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the painting, the deferral period should be extended by a further four months.

At the end of the initial deferral period, no offer to purchase the painting had been made and we were not aware of any serious intention to raise funds. An export licence was therefore issued.

Case 17

A painting by Luis de Morales, *The Virgin and Child*

The painting by Luis de Morales (c.1520-86) dates from the 1560s. It is oil on panel and measures 66.5 x 46 cm. The painting depicts Christ held by the Virgin Mary wearing an embroidered white chemise and a simple blue cloak.

The applicant had applied to export the painting to Italy. The value shown on the export licence application was £1,645,868, which represented the hammer price at auction plus the buyer's premium and VAT on the buyer's premium.

The Curator of Spanish and Later Italian Paintings at The National Gallery, acting as expert adviser, had objected to the export of the painting under the second Waverley criterion on the grounds that it was of outstanding aesthetic importance.

The expert adviser said that Luis de Morales was one of the most significant devotional painters of the 16th century. His work was inspired by the Council of Trent which sought to make religion more personally relevant by focusing on emotional involvement in personal devotion. *The Virgin and Child* provided an ideal focus for meditation by depicting the subjects up-close and against a dark background to encourage a sense of intimacy. This type of composition known as the *Virgen del Sombrero* showed the Virgin wearing the wide-brimmed hat of a traveller, a reference to the Flight into Egypt, which also acted as a halo. She was dressed in country finery which remained a popular way to depict female saints well into the 17th century. Morales worked in the remote city of Badajoz, near the Portuguese border; however, his style was influenced by Italian, Flemish and Netherlandish art with echoes from Leonardo da Vinci, Raphael and Quinten Massys. His work became popular

far beyond his native city. He was said to have trained in Seville and been exposed to great collections when invited, by Philip II, to the Royal palace of El Escorial.

The expert adviser stated that there were only four autograph works by Morales in public collections in this country and that whilst there were also examples from Morales' workshop in British public collections none were of such great quality. The expert adviser told the Committee that while there were many good Spanish painters that had the ability to construct space more successfully than Morales, he still retained an internationally renowned reputation for this devotional style of work and continued to refine his technique on the restricted themes of the Virgin and Child and Passion images.

The applicant did not disagree that the painting met the Waverley criteria.

We heard this case in April 2011 when the painting was shown to us. We found that it met the second and third Waverley criteria. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £1,645,868 (inclusive of VAT on the buyer's premium). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the painting, the deferral period should be extended by a further three months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the painting by a UK institution. Before the end of the first deferral period the applicant withdrew their application and the painting remains in the UK.



Plate I A painting said to be by Sir Peter Paul Rubens, *Portrait of a Young Woman* (2009/10)



Plate II A gold gem set tiger's head final



Plate III An Edward VI silver-gilt mounted Rhenish salt-glazed tankard



Plate IV A relief of *Ugolino imprisoned with his sons and grandsons* by Pierino da Vinci



Plate V A zodiac settle by William Burges



Plate VI An early 19th century regulator by John Roger Arnold



Plate VII A painting by Joseph Mallord William Turner, *Modern Rome – Campo Vaccino*



Plate VIII A painting by Jan de Bray, *David and the Return of the Ark of the Covenant*



Plate IX The great silver wine cistern of Thomas Wentworth



Plate X A lacquered Imari porcelain garniture



Plate XI A William IV cabinet on stand
made for William Beckford



Plate XII A painting by Nicolas Poussin, *Ordination*



Plate XIII A painting by Frans Hals, *Family Portrait in a Landscape*



Plate XIV A painting by Luis de Morales, *The Virgin and Child*

Export of Objects
of Cultural Interest
2010/11

Appendices

Appendix A

History of export controls in the UK

The reasons for controlling the export of what are now known as cultural goods were first recognised in the UK at the end of the 19th and beginning of the 20th centuries. Private collections in the United Kingdom had become the prey of American and German collectors and it was apparent that many were being depleted and important works of art sold abroad at prices in excess of anything that UK public collections or private buyers could afford. It was against this background the National Art Collections Fund was established in 1903, to help UK national and provincial public collections to acquire objects that they could not afford by themselves.

Until 1939 the United Kingdom had no legal controls on the export of works of art, books, manuscripts and other antiques. The outbreak of the Second World War made it necessary to impose controls on exports generally in order to conserve national resources. As part of the war effort, Parliament enacted the Import, Export and Customs Powers (Defence) Act 1939, and in addition the Defence (Finance) Regulations, which were intended not to restrict exports but to ensure that, when goods were exported outside the Sterling Area, they earned their proper quota of foreign exchange. In 1940, antiques and works of art were brought under this system of licensing.

It was in 1950 that the then Labour Chancellor of the Exchequer, Sir Stafford Cripps, established a committee under the Chairmanship of the First Viscount Waverley 'to consider and advise on the policy to be adopted by His Majesty's Government in controlling the export of works of art, books, manuscripts, armour and antiques and to recommend what arrangements should be made for the practical operation of policy'. The Committee reported in 1952 to RA Butler, Chancellor in the subsequent Conservative administration, and its conclusions still form the basis of the arrangements in place today.

Current export controls

The export controls are derived from both UK and EU legislation. The UK statutory powers are exercised by the Secretary of State under the Export Control Act 2002. Under the Act, the Secretary of State for Culture, Media and Sport has made the Export of Objects of Cultural Interest (Control) Order 2003. Export Controls are also imposed by Council Regulation (EEC) No 116/2009 on the export of cultural goods. The control is enforced by HM Revenue and Customs on behalf of the Department for Culture, Media and Sport (DCMS). If an item within the scope of the legislation is exported without an appropriate licence, the exporter and any other party concerned with the unlicensed export of the object concerned may be subject to penalties, including criminal prosecution, under the Customs and Excise Management Act 1979.

The Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest

An independent Reviewing Committee on the Export of Works of Art was first appointed in 1952 following the recommendations of the Waverley Committee. It succeeded an earlier Committee of the same name established in 1949, comprising museum directors and officials, which heard appeals against refusals and, from 1950, all cases where refusals were recommended. The Committee's terms of reference, as set out in the Waverley Report, were:

- i) to advise on the principles which should govern the control of export of works of art and antiques under the Import, Export and Customs Powers (Defence) Act 1939;
- ii) to consider all the cases where refusal of an export licence for a work of art or antique is suggested on grounds of national importance;
- iii) to advise in cases where a Special Exchequer Grant is needed towards the purchase of an object that would otherwise be exported;
- iv) to supervise the operation of the export control system generally.

These were subsequently revised following the recommendations of the Quinquennial Review, which also recommended that the Committee's name be expanded by adding 'and Objects of Cultural Interest'. (See Annex B for revised terms of reference.)

The Committee is a non-statutory independent body whose role is to advise the Secretary of State whether a cultural object which is the subject of an application for an export licence is of national importance under the Waverley criteria (so named after Viscount Waverley), which were spelt out in the conclusions of the Waverley Report. The Committee consists of eight full members, appointed by the Secretary of State for Culture, Media and Sport, seven of whom have particular expertise in one or more relevant fields (paintings, furniture, manuscripts etc), and a Chairman. A list of members during the year covered by this report is at the front of this report and brief details of members are included at Appendix C.

The Waverley criteria

The Waverley criteria are applied to each object the Committee considers.

History	Aesthetics	Scholarship
Is it so closely connected with our history and national life that its departure would be a misfortune?	Is it of outstanding aesthetic importance?	Is it of outstanding significance for the study of some particular branch of art, learning or history?
<i>Waverley 1</i>	<i>Waverley 2</i>	<i>Waverley 3</i>

These categories are not mutually exclusive and an object can, depending on its character, meet one, two, or three of the criteria.

The Committee reaches a decision on the merits of any object which the relevant expert adviser draws to its attention.

A meeting is held at which both the expert adviser and the applicant submit a case and can question the other party. The permanent Committee members are joined for each hearing by independent assessors (usually three), who are acknowledged experts in the field of the object under consideration. They temporarily become full members of the Committee for the duration of the consideration of the item in question.

If the Committee concludes that an item meets at least one of the Waverley criteria, its recommendation is passed on to the Secretary of State. The Committee also passes on an assessment of the item's qualities and a recommendation as to the length of time for which the decision on the export licence should be deferred, to provide UK institutions and private individuals with a chance to raise the money to purchase the item to enable it to remain in this country. It is the Secretary of State who decides whether an export licence should be granted or whether it should be deferred, pending the possible receipt of a suitable matching offer from within the UK which will lead to the refusal of the licence if it is turned down.

Since the Committee was set up in 1952, many important works of art have been retained in the UK as a result of its intervention. These embrace many different categories and, to take an illustrative selection, include Titian's *The Death of Actaeon* (1971), Raphael's *Madonna of the Pinks* (2004) and, from the British school, Reynolds' *The Archers* (2005). Not only paintings but sculpture, including *The Three Graces* by Canova (1993); antiquities, for example a 'jadeite' Neolithic axe-head brought into Britain c.4000 BC (2007); porcelain – a 102-piece Sevres Dinner Service presented to the Duke of Wellington (1979); furniture – a lady's secretaire by Thomas Chippendale (1998); silver – a Charles II two-handled silver porringer and cover, c.1660, attributed to the workshop of Christian van Vianen (1999); textiles – a felt appliqué and patch-worked album coverlet made by Ann West in 1820 (2006) and manuscripts, for example the Foundation Charter of Westminster Abbey (1980) and the *Macclesfield Psalter* (2005). This short list shows quite clearly the immense cultural and historic value of what has been achieved.

Unfortunately, and perhaps almost inevitably, some have got away. Noteworthy examples include *David Sacrificing before the Ark* by Rubens (1961), *A Portrait of Juan de Pareja* by Velasquez (1971), *Sunflowers* by Van Gogh (1986), and *Portrait of an Elderly Man* by Rembrandt (1999). Among items other than pictures that were exported are *The Burdett Psalter* (1998), *The World History of Rashid al-Din* (1980), *The Codex Leicester* by Leonardo da Vinci (1980), and the *Jenkins* or 'Barberini' *Venus* (2003) which are all of the highest quality in their field. By any measure these are all losses to the UK of items of world significance.

Appendix B

Terms of reference of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest

The Committee was established on 1952, following the recommendations of the Waverley Committee in its Report in September of that year. Its terms of reference are:

- (a) to advise on the principles which should govern the control of export of objects of cultural interest under the Export Control Act 2002 and on the operation of the export control system generally;
- (b) to advise the Secretary of State on all cases where refusal of an export licence for an object of cultural interest is suggested on grounds of national importance;
- (c) to advise in cases where a special Exchequer grant is needed towards the purchase of an object that would otherwise be exported.

Appendix C

Membership of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest during 2010/11

Lord Inglewood (Chairman)

Lord Inglewood, previously Richard Vane, has been called to the Bar and is also a Chartered Surveyor. Between 1989-1994 and 1999-2004 he was Conservative Spokesman on Legal Affairs in the European Parliament. He has chaired the Development Control Committee of the Lake District Planning Board and is Chairman of Cumbrian Newspaper Group and of Carr's Milling Industries plc. He was Parliamentary Under Secretary of State in the Department of National Heritage between 1995-1997. In 1999 he was elected an hereditary member of the House of Lords, and a fellow of the Society of Antiquaries (FSA) in 2003. He owns and lives at Hutton-in-the-Forest, his family's historic house in Cumbria.

**Appointed 1 December 2003;
appointment expires 30 November 2013**

Professor David Ekserdjian

Professor of the History of Art and Film, University of Leicester. He is an expert on Italian Renaissance paintings and drawings and the author of *Correggio* (1997) and *Parmigianino* (2006). Formerly a Fellow of Balliol College Oxford (1983-86) and Corpus Christi College Oxford (1987-91), he worked in the Old Master Paintings and Master Drawings departments at Christie's in London from 1991-97, and, in addition, from 1992 was Head of European Sculpture and Works of Art Department there. He was editor of *Apollo* magazine from 1997-2004. He has organised and contributed to the catalogues of numerous exhibitions, including *Old Master Paintings from the Thyssen-Bornemisza Collection* (Royal Academy 1988) and *Andrea Mantegna* (Royal Academy, London and Metropolitan Museum of Art, New York, 1992). In 2004 he was made an Honorary Citizen of the town of Correggio. In 2006 he became a Trustee of the National Gallery, and since 2008 he has been the National Gallery's Liaison Trustee on the Tate Board.

**Appointed 14 November 2002;
appointment expires 13 November 2012**

Philippa Glanville

Philippa Glanville FSA is currently a trustee of the Geffrye Museum, a member of the Westminster Abbey Fabric Commission, Curatorial Adviser to the Harley Foundation and President of the Silver Society. An historian and curator at the London Museum, Museum of London and Victoria & Albert Museum, she was Keeper of Metalwork at the V&A from 1989-1999. From 1999-2003 she was Academic Director at Waddesdon Manor (the Rothschild Collection), and Associate Curator at the Gilbert Collection, Somerset House. She writes regularly on silver, social history and the history of collecting; her books include *Silver in Tudor & Early Stuart England* (V&A 1990), *London in Maps* (Connoisseur/Ebury Press 1972), *Women Silversmiths 1697-1845* (with J.Goldsborough, Thames & Hudson 1991), and for the V&A, *Silver, Elegant Eating & The Art of Drinking* (1996, 2002, 2007). She has contributed to many publications including *City Merchants & the Arts 1670-1720* (Oblong/Corporation of London 2004), *Feeding Desire* (Cooper Hewitt 2006), *Les tables royales en Europe & Quand Versailles était meuble en argent* (RMN & Chateau de Versailles 1993 & 2001), *Treasures of the English Church* (Goldsmiths Company/Holberton 2008) and *Baroque* (V&A 2009). She serves on the Advisory Council of the Mellon Centre for British Art and on the editorial board of *Apollo*.

**Appointed 2 April 2010;
appointment expires 1 April 2014**

Johnny Van Haeften (Until 2 June 2011)

Chairman and Managing Director of Johnny Van Haeften Ltd, the gallery specialising in 17th century Dutch and Flemish Old Master pictures, which he has run for 32 years, since leaving Christie's. He is also on the Board of Trustees and the Executive Committee of The European Fine Art Foundation and is an advisor to the Fine Art Fund. He was Vice Chairman of the Society of London Art Dealers, is a former council member of the British Antique Dealers Association, and a former Chairman of Pictura, the pictures section of the European Fine Art Fair in Maastricht.

**Appointed 28 June 2001;
appointment expired 2 June 2011**

Simon Swynfen Jervis

Currently a Director and Trustee of the Burlington Magazine, Chairman of the Furniture History Society, Chairman of the Walpole Society and Chairman of the Leche Trust. He previously held the posts of Acting Keeper and then Curator of the Department of Furniture at the Victoria and Albert Museum, before becoming Director of the Fitzwilliam Museum, Cambridge (1989-1995). He then served as Director of Historic Buildings at the National Trust (1995-2002). He is also an Honorary Vice President of the Society of Antiquaries of London, a Life Trustee and currently Chairman of the Trustees of Sir John Soane's Museum, and a member of the Advisory Council of the Art Fund.

**Appointed 10 April 2007;
appointment expires 9 April 2014**

Dr Catherine Johns

Former curator of the Romano-British collections at the British Museum. She was trained in prehistoric and Roman Archaeology, and has published and lectured extensively, especially on Roman provincial art, jewellery and silver. Her publications include *Sex or Symbol; erotic images of Greece and Rome* (1982), *The jewellery of Roman Britain* (1996), *Horses: History, Myth, Art* (2006), *Dogs: History, Myth, Art* (2008), museum catalogues of Roman treasure finds, and more than a hundred articles in scholarly journals. She has served on the committees of the Society of Antiquaries, the Roman Society and the British Archaeological Association, and is a former Chair of the Society of Jewellery Historians.

**Appointed 19 February 2003;
appointment expires 18 February 2013**

Professor Pamela Robertson (Until 10 September 2010)

Senior Curator of the Hunterian Art Gallery, University of Glasgow since 1998. She was appointed Professor of Mackintosh Studies in 2003. She is a Fellow of the Royal Society of Edinburgh, a Governor of the Glasgow School of Art, and a Vice-Convenor of the Interiors and Collections Advisory Panel of the National Trust for Scotland. Previously, she was a member of the Historic Buildings Council for Scotland (1998-2002) and Chair of the Charles Rennie Mackintosh Society (2003-06). She has organised a range of exhibitions and her publications include *Charles Rennie Mackintosh: The Architectural Papers* (ed.1990); *Charles Rennie Mackintosh: Art is the Flower* (1995); *The Chronycle: The Letters of C.R. Mackintosh to Margaret Macdonald Mackintosh* (2001) and *Doves and Dreams: The Art of Frances Macdonald and J. Herbert McNair* (2006).

**Appointed 2 December 2003;
resigned 10 September 2010**

Dr Christopher Wright

Dr Christopher Wright joined the Department of Manuscripts, British Library, in 1974 and was Head of Manuscripts from 2003 until his retirement in October 2005. He is a Fellow of the Society of Antiquaries (2002) and a Fellow of the Royal Historical Society (1982). His publications include *George III* (2005) and, as editor, *Sir Robert Cotton as Collector: Essays on an Early Stuart Courtier* (1997). From 1989-1999, he was editor of the *British Library Journal*. He served as a Trustee of the Sir Winston Churchill Archives Trust, Cambridge (2001-05) and was on the Council of the Friends of the National Libraries (2003-06). Since August 2005 he has been a Trustee of 'The Handwriting of Italian Humanists'. In October 2005 he was appointed to the Acceptance in Lieu Panel of the Museums Libraries and Archives Council.

**Appointed 20 November 2006;
appointment expires 19 November 2014**

Appendix D

List of independent assessors who attended meetings during 2010/11

William Agnew , Director, W. Agnew & Company Ltd	Case 3
Charles Beddington , Director, Charles Beddington Ltd	Case 17
Jonathan Betts , Curator of Horology, National Maritime Museum	Case 5
Anne Buddle , National Galleries of Scotland	Case 1
Nicole Coolidge Rousmaniere , Director, Sainsbury Institute for the Study of Japanese Arts and Cultures	Case 13
David Davies , Emeritus professor in the History of Art, University of London	Case 17
David Gaimster , General Secretary & CEO, Society of Antiquaries	Case 2
Francesca Galloway , Francesca Galloway Ltd.	Case 1
John Griffiths , Formerly Curator of Horology, National Museums Liverpool/Curator of Prescott Museum	Case 5
John Hardy , Independent Consultant	Case 14
Elizabeth Jamieson , Independent Furniture Consultant & researcher	Case 14
Paul Joannides , Professor of Art History, University of Cambridge	Case 3
Robin Kern , Hotspur Antiques	Case 4
Tim Knox , Director, Sir John Soane's Museum	Case 4
Alastair Laing , Advisor on Pictures & Sculptures, The National Trust	Case 15
Lowell Libson , Director, Lowell Libson Ltd.	Cases 8 & 9
Jonathan Marsden , Director, Royal Collection	Case 4
Gregory Martin , Independent art consultant	Case 15 (09/10)
Robert McPherson , R & G McPherson Antiques	Case 13
Susan Morris , Richard Green Gallery	Cases 10 & 12
Alexander Morton , Senior Lecturer Persian Studies, SOAS (retired)	Case 1
Felix Pryor , Archive and Manuscript Consultant	Case 7
Rosemary Ransome-Wallis , Curator, The Goldsmiths' Company	Case 11
Andrew Renton , Head of Applied Art, National Museums and Galleries of Wales	Case 2
Derek Roberts , Self employed antiquarian horologist & curator	Case 5
Timothy Schroder , Freelance Lecturer and Curator	Cases 2 & 6
David Scrase , Assistant Director, Collections, The Fitzwilliam Museum	Cases 8, 9, 10, 12, 15 & 16
Rosemary Seton , Research Associate, Department of the Study of Religions and Former Keeper of Archives and Special Collections, SOAS	Case 7
Tsumugi Shoji , Grace Tsumugi Fine Art	Case 13
Anthony Speelman , Director of Edward Speelman Ltd., Art Dealers and Publishers	Cases 15 & 16
Lindsay Stainton , Independent Curator	Cases 8 & 9
Timothy Stevens , Formerly Director of The Gilbert Collection Trust (retired)	Cases 6 & 11
Charles Truman , Independent dealer	Cases 6 & 11
Jeremy Warren , Collections and Academic Director, The Wallace Collection	Case 3
Aidan Weston-Lewis , Senior Curator (Italian and Spanish Art) National Gallery of Scotland	Case 17
Sir Christopher White , Former Director, Ashmolean Museum	Cases 15 (09/10) and 10, 12 & 16 (10/11)
John Wilton-Ely , Professor Emeritus, University of Hull	Case 14
Joan Winterkorn , Bernard Quaritch Ltd.	Case 7
Professor Joanna Woodall , Courtauld Institute of Art	Case 15 (09/10)

Appendix E

Value of items placed under deferral (2001/02 to 2010/11) (i) for which permanent licences were issued and (ii) where items were purchased by UK institutions or individuals

(1) Year	(2) Value of items where a decision on the licence application was deferred (£m)	(3) Value (at deferral) of cases in (2) where items were licensed for permanent export (£m)	(4) Value of items in (3) as % of (2)	(5) Value of items in (2) that were not licensed for export (£m)	(6) Value (at deferral) of cases in (2) where items were purchased by UK institutions or individuals ¹ (£m)	(7) Value of items in (6) as % of (2)
2001/02	18.9 ²	11.4 ³	60	7.5 ⁴	5.4 ⁵	29
2002/03	74.9	23.2	31	51.7 ⁶	39.2	52
July 2003/ April 2004	7.7	1.0	13	6.8	6.8	88
2004/05	46.4	30.2	65	16.2 ⁷	5.8	13
2005/06	15.6	7.3	47	8.3	8.3	53
2006/07	24.5	10.7 ⁸	43	11.8	7.0	29
2007/08	15.3	12.8	84	2.5	1.4	9
2008/09	15.7	14.2	90	1.5	1.5	10
2009/10	71.5	60.8	85	10.7 ⁹	10.1	14
2010/11	71.7	65.8	92	5.9 ¹⁰	3.8	5
Totals	362.2	237.4	66	122.3	89.3	25

¹ This only includes items purchased by individuals who agreed to guarantee satisfactory public access, conservation and security arrangements.

² Excludes one case where the item was originally found to be Waverley but subsequently found to have been exported into the UK within the last 50 years.

³ Excludes value of one case (£2,000,000) where a licence was issued, but the owner subsequently sold the items to a UK institution and one case (£65,868.75) where it was subsequently discovered the items had not been in the UK for 50 years, so a licence was issued in accordance with normal policy.

⁴ Includes value of two cases (£237,607.50) where a matching offer was refused and the Secretary of State therefore refused an export licence, one case (£2,000,000) where a licence was issued but the owner subsequently sold the items to a UK institution and one case (£1,815,750) where the licence application was withdrawn although no matching offer was made.

⁵ Includes value of one case (£2,000,000) where a licence was issued but the owner subsequently sold the item to a UK institution.

⁶ Includes value of two cases (£12,543,019.38) where a matching offer was refused and the Secretary of State therefore refused an export licence.

⁷ Includes value of five cases (£10,422,776) where the application was withdrawn during the deferral period.

⁸ Excludes one case where the item was originally found to be Waverley but subsequently found to have been exported into the UK within the last 50 years.

⁹ Includes value of one case (£554,937.50) where at the time of writing clarification was being sought as to whether the owner would accept a matching offer from a UK institution following the end of the second deferral period.

¹⁰ Includes the value of one case (£389,600) where a matching offer was refused and the Secretary of State therefore refused an export licence and the value of two cases (£1,745,868) where the application was withdrawn during the deferral period.

Appendix F

Items licensed for export after reference to expert advisers as to national importance: 1 May 2010 – 30 April 2011

Category	Advising authority	No of Items	Total value (£)
Arms and armour	Royal Armouries, Leeds, Associate Director	21	7,391,586
Books, maps etc	British Library, Keeper of Printed Books, Head of Map Collections	44	8,070,638
Books (natural history)	Royal Botanic Gardens, Kew, Head of Library and Archives	6	23,830,712
Clocks and watches	British Museum, Keeper of Clocks and Watches	33	5,389,430
Coins and medals	British Museum, Keeper of Coins and Medals	267	8,158,645
Drawings: architectural, engineering and scientific	Victoria & Albert Museum, Keeper of Word & Image Department	19	816,900
Drawings, prints, water-colours	British Museum, Keeper of Prints and Drawings	367	154,352,501
Egyptian antiquities	British Museum, Keeper of Egyptian Antiquities	1,869	25,856,637
Ethnography	British Museum, Keeper of Ethnography	18	28,239,943
Furniture and woodwork	Victoria & Albert Museum, Keeper of Furniture and Textiles & Fashion Department	186	36,860,953
Greek and Roman antiquities	British Museum, Keeper of Greek and Roman Antiquities	9	2,443,397
Indian furniture	Victoria & Albert Museum, Senior Curator of Asian Department, South & South East Asian Collection	0	-
Japanese antiquities	British Museum, Department of Asia	15	1,591,063
Manuscripts, documents and archives	British Library, Curator, Department of Manuscripts	3,213	71,194,091
Maritime material, including paintings	National Maritime Museum, Director of Collections	2	73,645
Oriental antiquities (except Japanese)	British Museum, Department of Asia	182	64,184,671
Oriental furniture	Victoria & Albert Museum, Senior Curator of Asian Department, Chinese Collection	5	1,042,871
Paintings, British, modern	Tate Gallery	166	335,327,176
Paintings, foreign	National Gallery, Director	216	510,022,639
Paintings, miniature	Victoria & Albert Museum, Senior Curator of Painting Section, Word & Image Department	1	32,500
Paintings, portraits of British persons	National Portrait Gallery, Director	37	53,507,900
Photographs	National Media Museum, Head	45	3,266,173
Pottery	Victoria & Albert Museum, Head of Ceramics & Glass Department	33	6,051,267

Cont. Category	Advising authority	No of Items	Total value (£)
Prehistory & Europe (inc. Archaeological material, Medieval and later antiquities & Metal Detecting Finds)	British Museum, Keeper of Prehistory & Europe Department of Portable Antiquities & Treasure (Metal Detecting Finds)	12,564	3,992,317
Scientific and mechanical material	Science Museum, Head of Collections	12	2,800,000
Sculpture	Victoria & Albert Museum, Senior Curator of Sculpture, Metalwork, Ceramic & Glass Department Tate Gallery (20th Century Sculpture)	94	39,014,097
Silver and weapons, Scottish	National Museum of Scotland, Director	0	–
Silver, metalwork and jewellery	Victoria & Albert Museum, Senior Curator of Sculpture, Metalwork, Ceramic & Glass Department	160	47,461,010
Tapestries, carpets (and textiles)	Victoria & Albert Museum, Senior Curator of Furniture, Textiles & Fashion Department	56	25,979,488
Toys	Bethnal Green Museum of Childhood, Head	1	100,000
Transport	Heritage Motor Centre	28	16,720,572
Wallpaper	Victoria & Albert Museum, Senior Curator of Prints Section, Word & Image Department	0	–
Western Asiatic antiquities	British Museum, Keeper of Ethnography	15	3,193,267
Zoology (stuffed specimens)	Natural History Museum, Director of Science	2	163,667
Totals		19,686	1,487,129,756

Appendix G

Applications considered and deferred on the recommendation of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest: 2001/02 to 2010/11

Year	Number of Waverley items granted a permanent export licence	Value of Waverley items granted a permanent export licence (£)	Number of Waverley items purchased during deferral	Total amount spent on Waverley items purchased during deferral (£)	Number of Waverley items supported by HLF/ NHMF	Support by HLF/ NHMF (£)	Number of Waverley items supported by the Art Fund	Support by the Art Fund (£)	Number of Waverley items supported by MLA/V&A Purchase Grant Fund	Support by MLA/V&A Purchase Grant Fund (£)
2001/02	5 ¹	11,436,169	21	2,944,208	18	1,627,956	19	69,395	3	78,000
2002/03	9	23,191,548	12	26,173,106	7	14,283,115	9	905,184	1	30,000
July 2003/ April 2004	2	1,000,000	5	2,237,604	1	110,000	2	79,000	1	40,000
2004/05	10	30,193,090	10	5,825,135	4	2,577,000	4	975,000	1	3,500
2005/06	8	7,285,012	9	8,278,510	4	855,200	5	308,330	3	32,330
2006/07	5 ²	10,709,778	12	7,009,075	4	1,944,032	3	700,275	2	40,000
2007/08	7	12,770,031	8	1,431,256	6	471,986	6	248,750	2	50,000
2008/09	7	14,186,010	9	1,521,684	2	378,000	4	329,292	3	118,500
2009/10	6	60,813,750	6	10,119,674	2	186,000	3	245,100	1	17,000
2010/11	7	65,837,016	4	3,752,918	3	2,410,000	4	470,000	1	20,000

2010/11 (detail)

Year	Item	Purchaser	Price (£)	Support by HLF/ NHMF (£)	Support by the Art Fund (£)	Support by MLA/V&A Purchase Grant Fund (£)
2010/11	A zodiac settle	Cecil Higgins Art Gallery and Bedford Museum	£800,000	£430,000	£180,000	£0
2010/11	The great silver wine cistern of Thomas Wentworth	Temple Newsam (Leeds Museums and Galleries)	£2,073,648 (tax remission)	£1,832,000	£140,000	£0
2010/11	A lacquered Imari porcelain garniture	Ashmolean Museum	£109,250	£0	£40,000	£20,000
2010/11	A William IV cabinet on stand by William Beckford	Beckford Tower Trust	£285,000 (plus VAT)	£148,000	£110,000	£0

¹ A licence was issued for a further item, but it was subsequently sold to a UK institution.

² Includes one item where the licence was issued following receipt of satisfactory proof that it had been imported into the UK within the last 50 years.

Appendix H

Composition of the Advisory Council on the Export of Works of Art and Objects of Cultural Interest

- (i) the independent members of the Reviewing Committee *ex officio*;
- (ii) the departmental assessors on the Reviewing Committee (that is representatives of the Department for Culture, Media and Sport, Department for Business, Enterprise and Regulatory Reform, HM Treasury, Foreign and Commonwealth Office, HM Revenue and Customs, Scottish Government Department for Culture, National Assembly for Wales Department for Culture and Northern Ireland Department for Culture);
- (iii) the Directors of the English and Scottish national collections, the National Museum Wales, the National Museums Northern Ireland, and the Librarians of the National Libraries of Wales and Scotland;
- (iv) the expert advisers to the Department for Culture, Media and Sport, to whom applications for export licences are referred, other than those who are members by virtue of (iii) above;
- (v) eight representatives of non-grant-aided museums and galleries in England, Scotland, Wales and Northern Ireland, nominated by the Museums Association;
- (vi) representatives of: Arts Council England; Arts Council of Northern Ireland; Arts Council of Wales; Association of Independent Museums; National Museum Directors' Conference; Friends of the National Libraries; Heritage Lottery Fund; The National Archives; National Archives of Scotland; The Art Fund; National Fund for Acquisitions; National Heritage Memorial Fund; National Trust; National Trust for Scotland; Pilgrim Trust; MLA/ Victoria & Albert Museum Purchase Grant Fund; the MLA PRISM Grant Fund for the Preservation of Scientific and Industrial Material;
- (vii) representatives of: British Academy; British Records Association; Canadian Cultural Property Export Review Board (*observer status*); Chartered Institute of Library and Information Professionals (CILIP); Council for British Archaeology; Historic Houses Association; Historical Manuscripts Commission; Museums Libraries and Archives Council (MLA); Royal Academy of Arts; Royal Historical Society; Royal Scottish Academy; Scottish Records Association; Society of Antiquaries of London; Society of Archivists; Society of College, National and University Libraries;
- (viii) representatives of the trade nominated by the: Antiquarian Booksellers' Association (*two*); Antiquities Dealers' Association (*two*); Association of Art and Antique Dealers (*two*); Bonhams; British Antique Dealers' Association (*three*); British Art Market Federation; British Numismatic Trade Association (*two*); Christie's; Fine Art Trade Guild; Society of London Art Dealers (*two*); Society of Fine Art Auctioneers; Sotheby's.

Appendix J

Further reading

The Export of Works of Art etc. Report of a Committee appointed by the Chancellor of the Exchequer (HMSO, 1952)

Export Licensing for Cultural Goods: Procedures and Guidance for Exporters of Works of Art and other Cultural Goods (Arts Council England, 2011)

Export Control Act 2002 (HMSO)

The Export of Objects of Cultural Interest (Control) Order 2003 (SI 2003 No. 2759)

Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods

Export Controls on Objects of Cultural Interest: Statutory guidance on the criteria to be taken into consideration when making a decision about whether or not to grant an export licence (DCMS, November 2005)

Quinquennial Review of the Reviewing Committee on the Export of Works of Art (DCMS, December 2003)

Response to the Quinquennial Review of the Reviewing Committee on the Export of Works of Art (DCMS, December 2004)

Goodison Review – Securing the Best for our Museums: Private Giving and Government Support (HM Treasury, January 2004)

Dealing in Cultural Objects (Offences) Act 2003 (HMSO)

Combating Illicit Trade: Due diligence guidelines for museums, libraries and archives on collecting and borrowing cultural material (DCMS, October 2005)

Contracting Out (Functions in Relation to Cultural Objects) Order 2005 – Statutory Instrument 2005 No. 1103

Saved! 100 Years of the National Art Collections Fund (Richard Verdi, Scala Publishers Ltd, 1999)

Appendix K

Membership of the Working Party on Manuscripts, Documents and Archives during 2010/11

Dr Christopher Wright, Chairman

Freya Stannard, Interim Secretary, Museums, Libraries and Archives Council

Julia Brettell, MLA/V&A Purchase Grant Fund

Paula Brikci, PRISM Grant Fund Manager, Museums, Libraries and Archives Council

Norman James, The National Archives

Nick Kingsley, The National Archives

Mark Caldon, Cultural Property Unit, DCMS

David Park, Bonhams

Julian Rota, Antiquarian Booksellers Association,

Anastasia Tennant, Head of AELU, Museums, Libraries and Archives Council

John Wilson, John Wilson Manuscripts Limited

Margaret O'Sullivan, Former County Archivist, Derbyshire Record Office

Sam Johnston, County Archivist, Dorset History Centre

William Frame, British Library

Professor Miles Taylor, Director, Institute of Historical Research, University of London

Peter Rowlands, Secretary to the RCEWA, Museums, Libraries and Archives Council



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